

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: CS/SB 236

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

SUBJECT: Early Childhood Courts

DATE: October 15, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 236 creates a new section of the Florida Statutes, to support an Early Childhood Court (ECC) program that addresses cases involving children typically under the age of three and uses specialized dockets, multidisciplinary teams, evidence-based treatment and a nonadversarial approach. The bill provides legislative intent and requires:

- Specified core components to be considered an early childhood court. Those components include judicial leadership, community coordination, a court team, and a continuum of mental health services.
- The Office of the State Courts Administrator (OSCA), in coordination with the circuit courts, to hire and train a full-time community coordinator at each ECC program site unless the court chooses to establish a coordination system in lieu of the position. The OSCA may also hire a statewide community coordinator to provide training to the participating court teams.
- The Department of Children and Families (DCF or department) to contract with one or more university based centers with an expertise in infant mental health to hire a statewide clinical director.

The bill is contingent upon an annual appropriation. If implemented, the bill has a fiscal impact on state government and has an effective date of July 1, 2020.

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 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.²

Early Childhood Courts in Florida

Early childhood courts 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.³

Using the Miami Child Well-Being Court model and the National ZERO TO THREE organization's Safe Babies Court Teams approach, Florida's Early Childhood Court program began a little more than 4 years ago.⁴ Currently, there are 24 ECC programs in Florida.

The Legislature appropriated \$11.3 million in current year for problem-solving courts, including early childhood courts. The Trial Court Budget Commission determines the allocation of those funds to the circuits.⁵

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

² *Id.*

³ 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).

⁴ *Id.*

⁵ Chapter 2019-115, L.O.F. Specific Appropriation 3247.

efforts, with ties to the National Council for Juvenile and Family Court Judges and Office of Juvenile Justice and Delinquency Prevention Model Courts Project.⁶

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 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.^{7,8}

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 usually involved in court proceedings. This unusual role for the clinician in the court process is actively supported by the judge.⁹

⁶ 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).

⁷ 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 October 3, 2019).

⁸ 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.

⁹ 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).

Safe Babies Court Teams

ZERO TO THREE 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.¹⁰

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.¹¹

Based on the Miami Child Well-Being Court and the New Orleans models,^{12,13} 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.¹⁴

This approach is recognized by the California Evidence-Based Clearinghouse for Child Welfare offsite link as being highly relevant to the child welfare system and demonstrating promising research evidence.¹⁵

The following numbers are based on data extracted from the Florida Dependency Court Information System (FDCIS) on 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 0-3 at the time of removal who were in the Early Childhood Court (ECC) program to children ages 0-3 who were not in the ECC program.¹⁶

¹⁰ ZERO TO THREE, Our History, available at: <https://www.zerotothree.org/about/our-history> (last visited September 30, 2019).

¹¹ 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).

¹² 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).

¹³ *Id.* Safe Babies Courts differ from the other models by providing community coordinators who work with court personnel to keep the process on track.

¹⁴ ZERO TO THREE, Safe Babies Court Teams, available at: <https://www.zerotothree.org/our-work/safe-babies-court-team> (last visited October 1, 2019).

¹⁵ 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).

¹⁶ 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).

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		

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 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 5 and 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)	Statewide recurrence is 9.69%
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III. Effect of Proposed Changes:

Section 1 creates s. 39.01304, F.S., provides for an Early Childhood Court (ECC) program that addresses cases involving children most frequently under the age of three and utilizes specialized dockets, multidisciplinary teams, evidence-based treatment and a nonadversarial approach. The bill provides legislative findings and intent and core components that are required for a court to be considered an early childhood court, and requires:

- The Office of the State Courts Administrator (OSCA) to hire and train a full-time community coordinator at each ECC program site unless the court chooses to establish a coordination system in lieu of the position. The OSCA may also hire a statewide community coordinator to implement the program.
- The Department of Children and Families to contract with one or more university based centers with an expertise in infant mental health to hire a statewide clinical consultant.

Section 2 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:

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 quantify of ECC hearings as well as the actual number of staff required to meet the requirements of the bill.¹⁷

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.¹⁸

The additional judicial workload may be offset to the extent the programs reduce recidivism. Shortening the time children spend in out-of-home care would reduce costs to the state due to the reduction in out-of-home care cost.

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:

Position	FTE	Annual Cost
Statewide training specialist	1	\$101,442
Court community coordinators and oversight positions	20	\$1,912,128
Training requirements		\$100,000
Total	21	\$2,113,570

A cost savings from the use of ECC may also be realized upon the implementation of the Families First Prevention Services Act in 2021. The ECC and its use of some model of parent-child therapy may be eligible for a federal funding match for prevention services.

¹⁷ Office of the State Courts Administrator, 2020 Judicial Impact Statement, SB 236, October 7, 2019.

¹⁸ *Id.*

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 to hire a statewide clinical consultant which is anticipated to result in a cost to the agency of \$136,120.

VI. Technical Deficiencies

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 39.01304 of the Florida Statutes.

IX. Additional Information:

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

CS by Children, Families, and Elder Affairs on October 15, 2019:

- Removes the requirement for the Florida Institute of Child Welfare to evaluate the early childhood courts because and evaluation was completed in June 2019.

- B. **Amendments:**

None.