

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: March 19, 1998 Revised: \_\_\_\_\_

Subject: Family Safety

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Barnes</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

The Committee Substitute for SB 1050 creates the Deputy Secretary for Family Safety within the Department of Children and Family Services (hereafter referred to as the department) who has program expertise in family safety programs and management experience, is appointed by the Secretary, and has line authority over all statewide family safety programs and services. The department is directed to save at least 20 percent by consolidating administrative services functions in two regional centers and to use those savings to enhance the family safety quality assurance and improvement program. The Deputy Secretary for Family Safety must conduct an annual review of the child protection resources distributed to the 15 districts to determine the need to transfer resources among the districts to address specific client service needs. A District Program Administrator for Family Safety is established in each service district who has program expertise in family safety services and management experience, is appointed jointly by the Deputy Secretary for Family Safety and the district administrator, and has direct line authority over all family safety programs and services within the district. The membership of the Statewide Health and Human Services Board is increased to include experts in child protection services, domestic violence, abuse of elders, and financial management.

The bill requires the privatization of foster care and other related child welfare services statewide over a three year period beginning on January 1, 2000, unless not feasible. An operational plan for accomplishing privatization through a competitive process would be prepared by the department and submitted to the Governor and the Legislature by July 1, 1999, that would include the methodology for determining and transferring available funds, those service districts or portion of a district in which privatization cannot be accomplished within three years, and the efforts that should be made for remediating the obstacles which may include alternatives to total privatization such as public/private partnerships.

From January 1, 1999, through December 31, 1999, the department would privatize all foster care and related services in District 5 and would contract with the current model programs in Districts 1, 4, 13, and 8A. The bill specifies that the provider or group of providers of the District 5 program would be competitively selected.

The bill requires certification of child protection staff who are employed by the department or under contract with the department after completing competency-based training and testing programs and allows the department to adopt rules on specific competencies to be achieved and testing and retesting procedures and requires that a family safety quality assurance and improvement process be implemented statewide to monitor the appropriateness and quality of child protection services that are consistent with professional standards and based on outcomes and indicators of performance.

This bill substantially amends sections 20.19 and 409.1675 and creates sections 402.401 and 415.5145, Florida Statutes.

## **II. Present Situation:**

### **Organizational Structure**

The Department of Children and Family Services (DCF) is created and organizationally structured pursuant to s. 20.19, F.S., and is responsible for the delivery of family services to Florida's citizens.

The Secretary of the department is appointed by the Governor and subject to confirmation by the Senate. The Secretary appoints the Deputy Secretary, the Deputy Secretary for Administration, the Assistant Secretaries for Mental Health, Substance Abuse, Developmental Services, Children and Families, and Economic Self-Sufficiency.

The Secretary may establish regional processing centers to provide selected administrative functions to support multiple service districts. Presently, there is one regional processing center in Tallahassee that provides payroll, personnel, purchasing, accounting, and general services for Districts 2, 12, 13, 14, and 15. Even though the department reports that no clearly identifiable cost savings can be determined from the centers, there are advantages and enhancements associated with the centers because several of these districts had no resources to perform administrative functions and transferring certain administrative functions allowed three districts to improve their program capability.

Program offices are established and are headed by an assistant secretary. A program office is established for: Economic Self-Sufficiency; Children and Families; Alcohol, Drug Abuse, and Mental Health; and Developmental Services. These offices are responsible for all major program planning and policy development activities. Other program office responsibilities defined in s. 20.19, F.S., include such activities as: establishing program standards and performance objectives; developing program policies and rules; providing policy interpretations in order to

achieve statewide program consistency; reviewing and monitoring programs to assure compliance and accountability with statewide standards, federal and state laws and regulations; conducting outcome evaluations and program effectiveness activities; and developing budget and resource allocation methodologies.

The Deputy Secretary for Administration serves as the chief budget officer of the department and is responsible for activities such as supervising all of the budget management activities of the department and developing uniform policies and procedures for personnel, finance and accounting, procurement, information and communications systems, and general services.

Fifteen geographic services districts are defined in s. 20.19(6), F.S., under which all services and programs are planned and administered. Each district has an administrator, appointed by the Secretary, who has direct line authority over all departmental programs assigned to the district. The implementation of uniform programs and policies is often hampered by the current organizational structure of 15 separate and relatively autonomous districts.

Section 20.19(9), F.S., specifies that the District Administrator may appoint a program supervisor for each program or may combine programs under a program manager or program supervisor if approved by the Secretary. A district manager for administrative services is the chief budget officer of the district and provides the administrative and support services to the district in the following areas: finance and accounting, grants management and disbursement, personnel administration, purchasing and procurement, and general services, including housekeeping and maintenance of facilities. The district manager assists in the preparation of the legislative budget request and administration of the approved operating budget.

### **Family Safety Issues**

In spite of several recent divestitures of programs, the department is still responsible for a diverse set of programs and functions, only a few of which are focused on protective services for children and families. From September 4, 1997, through October 28, 1997, five children who were known to the department died in Florida as a result of child abuse. A review of these deaths was conducted by the department in conjunction with external medical, law enforcement and other community experts that concluded the following:

- The department needs to improve its system of reviewing critical cases of abuse in which children may be at a greater risk.
- Because of a parent's chronic or recurrent substance abuse problems, children are often injured, neglected, or left vulnerable to dangerous caregivers and spend their childhood in temporary living arrangements.
- Healthy Start services are not provided in many cases of abuse or neglect because these providers are not informed about ongoing abuse investigations or known risks to families.

- Two-thirds of the families where child abuse or neglect has occurred are voluntarily under the department's supervision without any court involvement.
- A lack of supervision of the department's child protection investigators was evident in three of the five child death cases.
- The large volume of cases per child protection worker and the department's vacancy rate in child protection places a strain on the child protection system.

The review concluded that certain risk factors were apparent in these deaths that signal when children may be vulnerable to serious or fatal abuse. These factors include: a child under the age of six, prior reports of abuse or neglect, substance abuse in the home, a history of criminal or delinquent behavior by a household member, a history of domestic violence or a boyfriend living in the home.

Social research strongly indicates that violence within the family is intergenerational and cyclical: Persons who are abused as children are more likely than others to become abusive parents themselves, and persons who abuse one member of their family are likely to abuse other vulnerable family members, as well. Because it is becoming increasingly clear that these forms of abuse are interrelated, greater integration of planning and delivering services related to child and adult protection and domestic violence is essential. Further, research suggests that early exposure to violence in the family including witnessing violence or physical abuse significantly increases the risk of violent behavior during adolescence and adulthood.

In an attempt to reduce vacancy and turnover rates in the child protection program and to improve the recruitment and competence of child protection staff, in June 1995, a department workgroup recommended a pay plan and training infrastructure to improve child protection outcomes. The department has developed a competency-based training plan that consists of a written assessment to ensure that staff have the basic knowledge and skills essential to their duties and a field-based performance assessment to demonstrate five basic, job-related competencies. There is also training of unit supervisors in child protection to promote their skills in several critical areas of clinical and leadership performance. The 1997 Legislature appropriated \$2,000,000 for child protection staff to receive a salary increase upon the successful completion of the written assessment.

The quality improvement/quality assurance review process for Family Safety and Preservation programs being implemented by the department is designed to measure services for children and families in five domains: safety; permanency; child well-being; family centered practice; and program management, leadership and community partnerships. Within each domain, more specific outcomes have been developed that reflect the mission of child welfare programs to provide protection for abused and neglected children, permanency for children who must enter foster care, and support for families whose children are at risk of abuse or neglect. Specific outcomes are assessed through external and internal reviews that incorporate a strong district self-assessment

component. This initiative for identifying and working toward improved outcomes for children and families is consistent with the strategies being used by the Health and Human Services Administration for Children and Families for reviewing federally-assisted child and family services.

### **III. Effect of Proposed Changes:**

The major provisions of Committee Substitute for SB 1050 include the following:

- Creates the Deputy Secretary for Family Safety who serves at the pleasure of the Secretary, has program expertise in family safety programs and management experience, and has line authority over all statewide family safety programs and services.
- Defines family safety programs to include prevention and early intervention services for children and families at risk of abuse or neglect; Florida abuse hotline for all reports of abuse, neglect or exploitation; investigations, family preservation, support and other in-home services; protective supervision programs, licensure activities, child welfare legal services; out-of-home care programs; in-home supervision; adoptions; child care; interstate compact on the placement of children's programs; specialized services to families; services relating to domestic violence; child protection and sexual abuse treatment teams under chapter 415, excluding medical direction functions; and adult protective services.
- Requires that the Deputy Secretary for Family Safety use specified allocation methodologies and formulas in conducting an annual review of the child protection resources distributed to the 15 districts to determine the need to transfer resources among the districts to address specific client service needs and to consider any stressors unique to the district or to any portion of the district. The reallocation of resources cannot be based in part or in whole on the inefficiency of a district to manage its resources but could be an incentive for exceptional achievement of outcomes; the Secretary must approve the transfer of child protection resources among districts resulting from the review; and a report to the Governor and the Legislature is due on October 1 of each year on the findings and actions associated with the allocation review.
- Directs the department to establish no more than two administrative services centers that are defined by the Secretary and are responsible for providing selected administrative functions designed to support multiple districts.
- Directs the department to save at least 20 percent over current expenditures to support district administration in establishing administrative services centers and to use such savings to enhance the quality assurance and improvement program for family safety programs and services.
- Establishes a District Program Administrator for Family Safety in each service district appointed jointly by the Deputy Secretary for Family Safety and the district administrator

who has program expertise in family safety services and management experience and has direct line authority over all family safety programs and services within the district.

- Increases the membership of the Statewide Health and Human Services Board by adding experts in child protection services, domestic violence, abuse of elders, and financial management.
- Directs the department to develop a strategic plan to accomplish privatization of foster care and related services statewide through a competitive process over a 3 year period beginning on January 1, 2000, unless it is not feasible to do so.
- Requires that beginning January 1, 1999, and continuing at least through December 31, 1999, the department is to privatize all foster care and related services in District 5, to continue contracting with the current model programs in districts 1, 4, and 13 and in subdistrict 8A, and to expand the subdistrict 8A pilot to incorporate Manatee County. The provider or group of providers of the District 5 program would be competitively selected.
- Requires certification of child protection staff who are employed by the department or under contract with the department after completing competency-based training and testing programs and allows the department to adopt rules on specific competencies to be achieved and testing and retesting procedures.
- Requires that a family safety quality assurance and improvement process be implemented statewide to monitor the appropriateness and quality of child protection services that are consistent with professional standards and based on outcomes and indicators of performance.

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

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There should be only a minimal cost to the providers who pursue the privatization contracts to deliver family safety programs and services.

C. Government Sector Impact:

In order for the department to conduct annual evaluations of each program operated under contract with a community-based agency to deliver privatized foster care and other related services, it is estimated that \$213,900 is needed.

If the department chooses to contract with a national accrediting organization to perform quality assurance relating to privatized foster care and related services, there would be an indeterminate cost for that contract and for preparing the request for proposals.

There would be an indeterminate cost associated with community-based agencies under contract with the department to provide foster care and related services being considered agents of the state because the bill specifies that these contracts must provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in chapter 768, F.S. According to the Department of Insurance, the department would be responsible for all financial losses that are not indemnified and those losses would be paid from the department's budget.

According to the department, competency-based training will require an additional \$8.6 million dollars to upgrade 3,117 child protection direct service and supervisory positions. The Governor's budget includes \$4,995,032 for competency-based training for FY 1998-99.

Upgrading the family safety and preservation district manager position to a District Program Administrator for Family Safety in the 15 service districts is estimated to cost \$225,000 statewide.

It is estimated that \$3.5 million dollars is needed to implement the family safety quality assurance and improvement system in the new department.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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