

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1825 Child Protective Investigations
SPONSOR(S): Committee on the Future of Florida's Families
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Children's Services (Sub)	7 Y, 0 N	Preston	Liem
2) Future of Florida's Families	13 Y, 0 N	Preston	Liem
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill makes a number of changes to chapter 39, Florida Statutes, relating to the central abuse hotline and child protective investigations. Specifically, the bill:

- clarifies that "any person" is a mandated reporter of known or suspected child abuse, abandonment, or neglect and clarifies that certain specified professionals are required to provide their name to hotline staff when reporting;
- provides that reports relating to out of state cases shall not be accepted by the hotline for investigation under certain specified circumstances, but the hotline shall transfer the information on the report to the appropriate state;
- provides criteria and requirements for onsite child protective investigations and enhanced onsite child protective investigations;
- authorizes the central abuse hotline to determine the response time for institutional child abuse within the statutory framework;
- provides for the establishment of a Protective Investigator Retention Workgroup and delineates the membership and duties;
- provides for a quality assurance review of the two investigative processes;
- removes the requirement that TANF non-compliance cases be referred for protective intervention if the department is unable to name a qualified protective payee;
- directs the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) to conduct a study on the impact that the availability of services to families has on the turnover of protective investigators and the families' re-entry into the child protective system; and
- prohibits the Department of Children and Family Services from amending its approved operating budget for the 2003-2004 fiscal year to shift funds or positions for protective investigators to other functions.

The bill does not appear to have a fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1825.fff.doc
DATE: April 10, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Most, if not all, states struggle with problems related to child protection staff retention. While the national turnover for child protection staff ranges from 16 to 20 percent, Florida’s problem appears to be worse, with a turnover rate ranging between 24 and 32 percent. Of Florida’s child protection staff, the protective investigator positions have experienced the highest level of new workers coming into the job. As of September 2002, 41 percent of the protective investigators had been on the job less than 1 year and an additional 20 percent of the workers had been in the position only 1 to 2 years. When combined with the 10 percent vacancy rate, only 28 percent of the protective investigative workforce had 2 or more years experience in this position.

The Senate Committee on Children and Families conducted an interim study on the retention of both child protective investigators and supervisors. One of the concerns often expressed was related to the workload and caseloads carried by those workers. The bill contains a number of statutory changes that could result in a reduction in staff workload and caseload, while at the same time safeguarding children.

- Section 39.201, Florida Statutes, states:

(1) **Any person**, including, but not limited to, any:

- (a) Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
- (b) Health or mental health professional other than one listed in paragraph (a);
- (c) Practitioner who relies solely on spiritual means for healing;
- (d) School teacher or other school official or personnel;
- (e) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;
- (f) Law enforcement officer; or
- (g) Judge,

who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare **shall report** such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(2)(c) **Reporters in occupation categories designated in subsection (1)** are required to **provide their names** to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as

provided in s. 39.202.

This is many times misinterpreted to mean that the professionals specifically listed in statute are the **only** persons who are required to report. The bill clarifies that “any person” who knows or reasonably suspects that a child has been abused by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare is required to report. The bill also contains additional clarifications to the requirements for accepting calls for investigation and those changes may result in a reduction in the number of investigations.

- Section 39.301(9), Florida Statutes, requires that an on-site child protection investigation be conducted for each report the department receives. The investigation includes face-to-face interviews with the child, other siblings, the parents, and other adults who are living in the household. The investigation also requires an on-site assessment of the child to determine the following:

- Composition of the family;
- Any indication of abuse, nature of injuries, and determination of person responsible for the abuse;
- Any criminal background of the family members;
- The immediate and long-term risk to the child using a risk assessment, which is to be completed within 48 hours (and if determined to be needed by the assessment, a case plan is to be developed); and
- Services needed to ensure the child’s safety, well-being, and development.

The bill, while not eliminating any of the requirements for a child protective investigation, does provide that if certain specified conditions exist, then the investigation may be closed without additional casework being carried out.

Further, the bill also:

- eliminates the requirement that all institutional child abuse reports receive an immediate response;
- deletes the requirement that a referral be made for protective intervention if the department is unable to designate a protective payee as part of the sanctioning for non-compliance with the TANF requirements;
- provides for the Department of Children and Family Services to establish a Protective Investigator Retention Workgroup; specifies the membership and the issues to be examined.
- prohibits the Department of Children and Families from amending its operating budget to shift funds or positions from protective investigators to other functions.
- directs the Office of Program Policy Analysis and Government Accountability to conduct a study of the impact that the availability of services to families has on the protective investigators’ workload and turnover and on families’ subsequent reports of abuse and requires a report; and

C. SECTION DIRECTORY:

Section 1. Amends §39.201, Florida Statutes, relating to mandatory reports of child abuse, abandonment, or neglect, to clarify that any person is a mandated reported and that certain specified professionals are required to provide their names to hotline staff when making a report.

Section 2. Amends §39.301, Florida Statutes, relating to the initiation of protective investigations, to clarify the requirements of a child protective investigation.

Section 3. Amends §39.302, Florida Statutes, relating to protective investigations of institutional child abuse, abandonment, or neglect, to eliminate the requirement for an immediate response to reports of institutional abuse, abandonment, or neglect.

Section 4. Amends §39.307, Florida Statutes, relating to reports of child-on-child sexual abuse, conform a cross reference.

Section 5. Amends §39.823, Florida Statutes, relating to guardian advocates for drug dependent newborns, to conform a cross reference.

Section 6. Amends §414.065, Florida Statutes, relating to noncompliance with work requirements for receiving temporary cash assistance, to eliminate the requirement for a referral to the hotline if the department is unable to designate a protective payee.

Section 7. Provides for the Department of Children and Family Services to establish a Protective Investigator Retention Workgroup; specifies the membership and the issues to be examined.

Section 8. Requires the Office of Program Policy and Governmental Accountability to conduct a study on the impact that the availability of social services to families has on the workload and turnover of child protective investigators and to submit a report on their findings by December 31, 2004.

Section 9. Provides for a quality assurance review of reports receiving an onsite child protective investigation to examine the accuracy of the determination not to use the enhanced process.

Section 10. Prohibits the Department of Children and Family Services from amending the approved operating budget in the 2003-2004 fiscal year to decrease the number of protective investigator positions and the costs related to those positions.

Section 11. Provides for the Department of Children and Family Services, in collaboration with the sheriff's offices to develop guidelines for conducting onsite child protective investigations and enhanced onsite child protective investigations.

Section 12. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On **March 18, 2003**, the **Subcommittee on Children's Services** adopted two amendments which provided for the following:

- **Amendment #1** provides for the creation of the Protective Investigator Retention Workgroup. The amendment also provided for the membership and the duties of the workgroup.
- **Amendment #2** clarifies that some child protective investigations are conducted by law enforcement.

On **April 1, 2003**, the **Committee on the Future of Florida's Families** adopted a strike everything amendment. The provisions of the two amendments adopted by the subcommittee on March 18, 2003, were included in the strike everything amendment. This analysis is drafted to the PCB as amended. The strike everything amendment includes the following changes to the bill:

- Provides for the Department of Children and Family Services to establish a Protective Investigator Retention Workgroup and delineates the membership and responsibilities.
- Provides an investigative process for both an onsite child protective investigation and an enhanced onsite child protective investigation;
- Provides for a quality assurance review of the reports undergoing each type of investigation; and
- Provides for the Department of Children and Family Services to work with the sheriff's offices to develop guidelines for conducting child protective investigations.