

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 634

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Rouson and others

SUBJECT: Child Welfare

DATE: April 15, 2019

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>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 634 is titled “Jordan’s Law” and makes a number of changes to the laws related to the child welfare system in an attempt to address issues that were identified in the case of Jordan Belliveau, a two-year old boy who was killed by his mother.

The bill creates a process for an exchange of information between the Department of Children and Families (DCF or department) and the Florida Department of Law Enforcement (FDLE) that requires the department to share information on a parent or caregiver who is the subject of a child protective investigation with local law enforcement agencies. If a law enforcement officer has an interaction with a parent or caregiver and the interaction results in the officer having a concern about the health, safety or wellbeing of the child, the officer is required to notify the Florida Central Abuse Hotline (hotline) and provide information about the interaction. The hotline is then required to determine if any further action is appropriate.

The bill amends several statutes to require specified child welfare professionals, judges, guardians ad litem, and law enforcement officers to receive training on the recognition of and response to head trauma and brain injury in a child under six years old.

The bill requires community based care lead agencies to provide intensive family reunification services that combine child welfare and mental health services for families with dependent children under six years old.

Finally, the bill allows the department to create and implement a program in up to three judicial circuits to more effectively provide case management services for dependent children under the age of six. The bill requires an evaluation by October 1, 2024.

The DCF and the FDLE will incur one-time start-up costs up to \$626,955 to develop the required training and modify their respective technology systems to share specific child welfare information. The DCF also estimates it will need 17 additional full-time equivalent positions for Fiscal Year 2019-2020, with a total recurring cost of \$1,205,819. The total estimated fiscal impact to the state is \$1,832,774; \$626,995 of which is non-recurring. See Section V.

The bill takes effect July 1, 2019.

II. Present Situation:

Jordan Belliveau

Jordan Belliveau, Jr., was murdered by his mother in September 2018 when he was two years old. At the time of his death, the family was under court-ordered protective supervision as Jordan, who had been removed from his parent's custody in October 2016, was reunified with his mother, 21-year old Charisee Stinson, in May 2018. In addition to the open service case, there was also an active child abuse investigation due to ongoing domestic violence between his mother and father, 22-year-old Jordan Belliveau, Sr.

Due to lack of communication to the court, lack of communication between the Pinellas County Sheriff's Office and the DCF, and lack of evidence provided by Directions for Living, the contracted case management organization for Eckerd Connects, the community-based care lead agency, regarding the parent's case plan compliance, ongoing family issues that created an unsafe home environment for Jordan were never addressed. Jordan was initially reported missing by his mother in September 2018 and a statewide Amber Alert was issued. His body was found by law enforcement four days after his death. His mother was charged with aggravated child abuse and first-degree murder. His mother admitted to killing Jordan by hitting him, which caused the back of his head to hit a wall in their home.

Special Review of the Case Involving Jordan Belliveau Jr.

Case Summary

Given the circumstances of the case, former Interim Secretary Rebecca Kapusta immediately initiated a special review to evaluate the circumstances surrounding Jordan's death and to assess the services provided during the 17 months he remained removed from the home and continuing upon his reunification with his mother in May 2018. The multidisciplinary team was not only comprised of individuals who specialize in child welfare, but also those with mental health, and domestic violence expertise (both from a treatment and law enforcement perspective) to address the reunification decision and actions that occurred when subsequent concerns were identified.¹

¹ Department of Children and Families, Special Review of the Case Involving Jordan Belliveau, Jr. (Jan. 11, 2019), available at <http://www.dcf.state.fl.us/newsroom/docs/Belliveau%20Special%20Review%202018-632408.pdf>. (Last visited March 25, 2019).

Jordan's family first came in contact with the DCF in October 2016 when a report was made to the hotline alleging Jordan was in an unsafe home environment that included gang violence. Jordan was placed in foster care after his mother was unable to obtain alternative housing. He was subsequently adjudicated dependent on November 1, 2016, and placed in foster care. His parents were offered a case plan with tasks including finding stable housing and receiving mental health services and counseling.

Throughout Jordan's case, his mother and father were either non-compliant or only partially compliant with their case plans. Nevertheless, due to lack of communication to the court and lack of evidence provided by the case management organization, Directions for Living, regarding compliance, Jordan was eventually reunified with his mother and father. After reunification and while still under judicial supervision, domestic violence continued between the parents, with Jordan's father being arrested for domestic violence against Jordan's mother in July 2018. However, the incident was not immediately reported to the hotline upon his arrest, and thus the incident was not reported to the court at a hearing the next day regarding Jordan's reunification.

When the incident was reported to the hotline three weeks later, a child protective investigation was conducted by the Pinellas County Sheriff's Office. However, the investigator determined that Jordan was not currently in danger, and therefore, found there was no need to remove him from the home. Given the ongoing and escalating level of violence between the parents, the inability to control the situation in the home, and the risk of harm posed to Jordan should his parent engage in further altercations, an unsafe home environment should have been identified.

However, with no concerns for Jordan's safety raised after the investigation or during subsequent hearings, there was no consideration for an emergency modification of his placement and Jordan was reunited with his father. On August 31, 2018, a case manager visited Jordan's parents to discuss several issues regarding lack of cooperation with the Guardian ad Litem and case plan tasks. The case manager emphasized the continued need for Jordan's parents to participate in services or risk losing custody of Jordan. Less than 24 hours after the visit, Jordan was reported missing by his mother. Four days later his body was found. Jordan's mother admitted to killing him by hitting him in a "moment of frustration" which "in turn caused the back of his head to strike an interior wall of her home."²

Findings in the Report

- The decision to reunify Jordan was driven primarily by the parents' perceived compliance to case plan tasks and not behavioral change. There was a noted inability by all parties involved to recognize and address additional concerns that became evident throughout the life of the case. Instead, case decisions were solely focused on mitigating the environmental reasons Jordan came into care and failed to address the overall family conditions.
- Following reunification, policies and procedures to ensure child safety and wellbeing were not followed. In addition, Directions for Living case management staff did not take action on the mother's lack of compliance and her failure to participate with the reunification program prior to and following reunification.

² *Id.*

- When the new child abuse report was received in August 2018, alleging increased volatility between the parents, present danger was not appropriately assessed and identified. The assessment by the Pinellas County Sheriff's child protective investigator (CPI) was based solely on the fact that the incident wasn't reported to the hotline when it initially occurred. The CPI failed to identify the active danger threats occurring within the household that were significant, immediate, and clearly observable. Given the circumstances, a modification of Jordan's placement should have been considered.
- Despite the benefit of co-location, there was a noted lack of communication and collaboration between the Pinellas County Sheriff's Office CPID unit and Directions for Living case management staff in shared cases involving Jordan and his family, especially regarding the August 2018 child abuse investigation.
- In addition to the lack of communication and collaboration between frontline investigations and case management staff noted above, there was an absence of shared ownership between all entities involved throughout the life of Jordan's case which demonstrates a divided system of care. In addition, the lack of multidisciplinary team approach resulted in an inability to adequately address the identified concerns independent of one another.
- The biopsychosocial assessments failed to consider the history and information provided by the parents and resulted in treatment plans that were ineffective to address behavioral change. Moreover, there was an over-reliance on the findings of the biopsychosocial assessments as to whether focused evaluations were warranted (e.g., substance abuse, mental health, domestic violence, etc.), despite the abundance of information to support such evaluations were necessary.³

Conclusion

The report's findings and conclusion do not indicate that Jordan's death was the result of any shortcomings or loopholes in the law or lack of training related to the identification of brain injury, but rather due to the multiple failures of individuals working with children in the child welfare system to communicate, coordinate and cooperate:

Complex child welfare cases are difficult enough when high caseloads and continual staff turnover plague an agency. However, it is further impacted when those involved in the case (protective investigations, case management, clinical providers, legal, Guardians ad Litem, and the judiciary) fail to work together to ensure the best decisions are being made on behalf of the child and their family.

This case highlights the fractured system of care in Circuit 6, Pinellas County, with each of the various parts of the system operating independently of one another, without regard or respect as to the role their part plays in the overall child welfare system. Until the pieces of the local child welfare system are made whole, decision-making will continue to be fragmented and based on isolated views of a multi-faceted situation.⁴

³ *Id.*

⁴ *Id.*

Current Training Requirements

Currently, all case managers, Guardian ad Litem staff and volunteers, dependency court judges, child protective investigators, Children’s Legal Services’ attorneys, and law enforcement officers are required to complete required training for their position. Typically, this is done as preservice and continuing education training. None of the required training includes the recognition of and response to head trauma and brain injury in a child under age six.⁵

DCF/Law Enforcement Data Systems

Florida Safe Families Network

The Florida Safe Families Network (FSFN) is the department’s Statewide Automated Child Welfare Information System. The FSFN serves as the statewide electronic case record for all child abuse investigations and case management activities in Florida for the department. It was designed to capture all reports of child maltreatment, investigations, and service history information in a single electronic child welfare record for each child reported, investigated, and served.

Florida Crime Information Center

The Florida Crime Information Center (FCIC), administered by the Florida Department of Law Enforcement, is a state database that houses actionable criminal justice information. When law enforcement comes in contact with an individual, the officer runs the individual’s identifying information in the FCIC to see if there are any open wants or warrants for their arrest. The FDLE’s Criminal Justice Information Services (CJIS) is the central repository of criminal history records for the state and provides criminal identification screening to criminal justice and non-criminal justice agencies.⁶ The CJIS helps ensure the quality of data available on the FCIC system. Only agencies approved by the FDLE can view or enter information in the CJIS.

III. Effect of Proposed Changes:

Section 1 provides the short title to the bill. The bill is titled “Jordan’s Law” after Jordan Belliveau, a two-year old child in Florida’s child welfare dependency system, who was murdered by his mother in September 2018.

Section 2 amends s. 25.385, F.S., relating to standards for instruction of circuit and county court judges in domestic violence cases, to require the Florida Court Educational Council to establish standards for instruction of circuit and county court judges who have responsibility for dependency cases related to the recognition and treatment of brain injury in a child under six years old. The training is to be provided periodically. Magistrates often hear dependency cases but they are not included in the training requirement.

Section 3 creates s. 39.0142, F.S., relating to notifying law enforcement of parent or caregiver names, to require the department to enter the name of a parent or caregiver who is the subject of

⁵ For specific training requirements see ss. 25.385, 39.8296, 402.402, 409.988, 943.13 and 943.135, F.S.

⁶ Florida Department of Law Enforcement, Criminal Justice Information Services, *Available at:* <http://www.fdle.state.fl.us/CJIS/CJIS-Home.aspx> (Last visited Mar. 25, 2019)

a child protective investigation into the FCIC to notify local law enforcement agencies that this individual is involved in the child welfare system. If a law enforcement officer has an interaction with a parent or caregiver and the interaction results in the officer having a concern about the health, safety or wellbeing of the child, the officer must report the details of the interaction to the hotline. The hotline is then required to determine if further action is appropriate.

The bill also requires the department to remove the name of the parent or caregiver from the FCIC when there is no longer an active investigation or when judicial supervision has ended.

Section 4 amends s. 39.8296, F.S., relating to the statewide Guardian ad Litem Office, to require that training for guardians ad litem include information on the prevention, symptoms, risks, and treatment of head trauma or brain injuries in children under six years old.

Section 5 amends s. 402.402, F.S. relating to child protection and child welfare personnel and attorneys employed by the department, to require that specialized training for all child protective investigators, child protection investigation supervisors, and attorneys handling child welfare cases include information on the prevention, symptoms, risks, and treatment of head trauma or brain injuries in children under age six. This training requirement applies to these employees in the department and the sheriff's offices that conduct child abuse investigations.

Section 6 amends s. 409.988, F.S., relating to duties of the community-based care lead agencies, to require that all individuals providing care to dependent children employed by the community-based care lead agencies receive training on the recognition and treatment of head trauma and brain injury in a child from under six years old.

Section 7 amends s. 409.996, F.S., relating to duties of the department, to allow the department to create and implement a program in up to three judicial circuits to more effectively provide case management services for dependent children under the age of 6. The bill provides requirements for the program and requires an evaluation by October 1, 2024.

Section 8 creates s. 943.17297, F.S., relating to training in the recognition of and response to head trauma and brain injury, to require the Criminal Justice Standards and Training Commission (CJSTC) to establish standards, including, but not limited to, the training requirements under s. 39.0143, F.S., for the instruction of law enforcement officers on the recognition and treatment of head trauma and brain injury in a child under the age of 6. Each law enforcement officer must successfully complete the training as part of the basic recruit training to obtain initial certification or as a part of continuing training or education.

Section 9 provides an effective date of July 1, 2019.

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.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:**Florida Department of Children and Families (DCF)**

The DCF reports the fiscal impact to the agency as follows:⁷

- Training – The cost to develop a training on the recognition and treatment of head trauma and brain injury in a child under age six is estimated to be \$35,000. This includes the cost of research, a front-end analysis to further define scope, subject matter experts, and the design and development of materials.
- Staffing for the central abuse hotline – The department anticipates that the number of hotline calls from law enforcement officers will increase substantially. The hotline staff is required to provide any relevant information to a child protective investigator or a case manager and the attorney representing the DCF. According to the DCF, 37,000 individuals at any given time are on active judicial supervision with the department. The DCF estimates it may need up to an additional 17 hotline counselors at an annual recurring cost of \$1,205,819.
- Information sharing with the FDLE – The cost is indeterminate, however the requirement for staff to manually enter an estimated 731,986 FCIC submissions, along with implementing a validation process to ensure the correctness of the

⁷ Florida Department of Children and Families, 2019 Agency Legislative Bill Analysis, SB 634 (April 4, 2019) and received on April 12, 2019. On file with the Senate Appropriations Subcommittee on Health and Human Services.

information entered in the FCIC, will create a significant workload issue for the department and require additional staff. A technology interface between the FSFN and the FCIC would allow the DCF to meet this data entry requirement and minimize the need for additional staff. The DCF's cost to modify the interface for the FSFN system is estimated to be between \$160,000 and \$270,000.

- Case management pilot – The DCF is allowed to create and implement a pilot program in up to three judicial circuits to more effectively provide case management services for dependent children under six years old. The pilot would require caseloads for the CBC case managers of no more than 15 cases, if possible. The pilot also requires additional case management training, and siblings to be included in the program and in the caseload count. If the pilot were implemented, the DCF would have to pay the CBCs that participate in the pilot program, however the projected cost is indeterminate.

Florida Department of Law Enforcement (FDLE)

The FDLE has reported the following fiscal impact to the agency:⁸

- The cost for the CJSTC to incorporate training on the recognition and treatment of head trauma and brain injury in a child under age six into the law enforcement basic recruit training program and establish a continued employment training component is estimated to cost \$9,955, and can be absorbed within existing department resources.
- The FDLE estimates creation of an interface with the DCF will cost \$312,000. The department recommends building a web service to interface with the DCF's Florida Safe Families Network (FSFN), which would be queried by FCIC. The FDLE estimates the information technology work (analysis, design, programming and testing) will take 21 months to complete.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Both the DCF and the FDLE have raised questions and concerns about section 3 of the bill which requires the DCF to notify law enforcement of the names of parents or caregivers who are the subject of a child protective investigation.

In order to enter data in the FCIC system, the DCF would need to reach agreement with the FDLE regarding the creation of a new status file type (as used by law enforcement personnel in the notification of active protection orders). This new status file type would be shared between the department's CCWIS (Comprehensive Child Welfare Information System), an electronic case file of record, and FCIC. This would require approval by the FDLE and changes in the existing DCF/FDLE Criminal Justice user agreement. The FDLE could require the department to develop a validation process to ensure all records are accurate and current and meet the FDLE's standard for "entering agencies" to have staff available within one hour for the inquiring officer. The department is unclear as to whether access to hotline counselors will satisfy this requirement

⁸ Florida Department of Law Enforcement, 2019 Agency Legislative Bill Analysis, SB 634, April 4, 2019.

and FDLE may request actual contact with the child protective investigator or case manager assigned to the family.⁹

The FDLE has raised the following questions relating to provisions in the bill:

- Impacts to FDLE’s FCIC system:
 - The FCIC system houses actionable criminal justice information. This proposal represents a shift in FCIC policy to house raw investigative information which has not been vetted and may later be determined to be unfounded.
 - System and training documentation will have to be updated.
 - Law enforcement agencies will have to be trained on the new FCIC file.
 - The DCF will have to be audited to ensure proper entry and removal of records. Entries will have to meet minimum criteria (name, race, sex, and date of birth). Individuals reported to the hotline by first name, nickname, or street name only will not be able to be entered until the minimum criteria have been gathered.¹⁰
- Impact on Local Law Enforcement:

Local law enforcement agencies would have to develop new policy and procedures for notification to the DCF when having contact with a person in this file. The bill is unclear as to what constitutes “having interaction with” an individual. For example, would a traffic infraction require the officer to check for this data? The bill is also unclear as to whether law enforcement has the authority to detain or delay this individual until notification to the DCF can be accomplished.¹¹

Additional Considerations:

- The DCF is a non-criminal justice entity; the central abuse hotline has a criminal justice designation and has access to query FCIC. Thus it is reasonable to believe this group will be responsible for all entry and removal since they are the only entity with access to FCIC. Their current certification level is “limited access” as they only make inquiries. The FDLE will have to invest time in certifying these individuals as “full access” system users so that they can make entries into FCIC. 12
- The changes required to create the interface between the FDLE and the DCF cannot be done by the July 1, 2019 effective date. A change to June 30, 2021 is recommended.¹³

VIII. Statutes Affected:

The bill amends the following sections of the Florida Statutes: 25.385, 39.8296, 402.402, 409.988, and 409.996.

The bill creates ss. 39.0142 and 943.17297 of the Florida Statutes.

⁹ Florida Department of Children and Families, 2019 Agency Legislative Bill Analysis, SB 634 (April 4, 2019) and received on April 12, 2019. On file with the Senate Appropriations Subcommittee on Health and Human Services.

¹⁰ Florida Department of Law Enforcement, 2019 Agency Legislative Bill Analysis, SB 634, April 4, 2019.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

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 April 1, 2019:

- Removes non-specific training development language.
- Removes the requirement for AHCA to establish a targeted case management pilot in the Sixth and Thirteenth Judicial Circuits.
- Requires law enforcement to only contact the central abuse hotline when there is an encounter with a parent or caregiver that causes the officer to concerns about the health, safety or well-being of a child.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
