

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: PCS/CS/SB 634 (906584)

INTRODUCER: Appropriations Subcommittee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senator Rouson and others

SUBJECT: Child Welfare

DATE: April 18, 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>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/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 in Pinellas County.

The bill requires the Department of Children and Families (DCF or department) and the Florida Department of Law Enforcement (FDLE) to share certain information on a parent or caregiver who is the subject of a child protective investigation. The bill requires a law enforcement officer who 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 requires 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 children under six years old. The training costs for these professionals can be absorbed within existing resources within the respective agencies with the exception of the training of law enforcement staff, which is subject to an appropriation.

The bill allows the department to create and implement a pilot 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 provisions contained in the bill are subject to appropriation (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

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

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).

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.
- 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.

² *Id.*

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

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

³ *Id.*

⁴ *Id.*

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 periodic instruction of circuit and county court judges who have responsibility for dependency cases related to the recognition of and responses to head trauma and brain injury in children under six years old.

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

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)

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 responses to head trauma and brain injury 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 specialized training for all child protective investigators, child protection investigation supervisors, and attorneys handling child welfare cases. The specialized training must include information on the prevention, symptoms, risks, and responses to head trauma and brain injuries in children under six years old. This training requirement applies to 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 (CBC), to require that all individuals employed by a CBC who provide care to dependent children receive training on the recognition of and responses to head trauma and brain injury in a children under six years old. The bill also requires CBCs to provide intensive family reunification services that combine child welfare and mental health services for families with dependent children under 6 years old.

Section 7 amends s. 409.996, F.S., relating to duties of the DCF, to allow the department, subject to an appropriation, 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, subject to an appropriation, 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 of and responses to head trauma and brain injury in a children under six years old. 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 fiscal impact of the bill's requirement to develop and implement specific training for guardians ad litem, child protection, child welfare and attorneys employed by the DCF, all individuals employed by a CBC who provide care to dependent children, and circuit and county court judges⁷ is insignificant and can be absorbed within the existing resources of each entity.

Implementation of specific training for law enforcement officers is subject to an appropriation.

Implementation of sections 3 and 7 of the bill is subject to an appropriation. However, if an appropriation is provided, the fiscal impact of the sections 3 and 7 of bill is significant. To implement the requirements of section 3:

- The DCF estimates the need for an additional 17 central abuse hotline counselors at an annual recurring cost of \$1,205,819; additionally, the DCF estimates a need for

⁷ Office of State Courts Administrator, *2019 Judicial Impact Statement, CS/SB 634* (April 14, 2019) (on file with the Senate Appropriations Subcommittee on Health and Human Services).

between \$160,000 and \$270,000 to implement the data exchange requirements with the Florida Department of Law Enforcement.⁸

- The Florida Department of Law Enforcement estimates that the cost of creating an interface with DCF's Florida Safe Families Network will require \$312,000 nonrecurring funds from the General Revenue Fund.⁹

To implement the requirements of section 7, the DCF estimates that the case management pilot program, which requires CBC case managers to carry caseloads of no more than 15 cases at a time, would have a significant yet indeterminate fiscal impact on state expenditures.¹⁰

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 and FDLE may request actual contact with the child protective investigator or case manager assigned to the family.¹¹

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.

⁸ Florida Department of Children and Families, *2019 Agency Bill Analysis, SB 634* (April 4, 2019) (on file with the Senate Appropriations Subcommittee on Health and Human Services).

⁹ Florida Department of Law Enforcement, *2019 Agency Bill Analysis, SB 634* (April 4, 2019) (on file with the Senate Appropriations Subcommittee on Health and Human Services).

¹⁰ *Supra* note 8.

¹¹ *Supra* note 8.

- 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.¹²
- 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.¹³
- 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.¹⁴
 - 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.¹⁵

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.

IX. Additional Information:

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

CSCS by Appropriations Subcommittee on Health and Human Services on April 16, 2019:

The committee substitute inserts “subject to appropriation,” in sections 3, 7 and 8 of the bill. Therefore, section 3 relating to required law enforcement notifications, section 7 relating to the creation and implementation of a pilot program, and section 8 relating to law enforcement training will not be implemented unless an appropriation is provided.

¹² *Supra* note 9.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

CS by Children Families, and Elder Affairs on April 1, 2019:

The CS:

- 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.