

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 1351 Early Childhood Court Program

**SPONSOR(S):** Appropriations Committee, Civil Justice & Claims Subcommittee; Payne and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice & Claims Subcommittee	15 Y, 0 N, As CS	Tuszynski	Bond
2) Appropriations Committee	26 Y, 0 N, As CS	Smith	Leznoff
3) Judiciary Committee			

### SUMMARY ANALYSIS

Early Childhood Court (ECC) programs address child welfare cases involving children under the age of three and seek to address the root causes of justice system involvement through specialized dockets, multidisciplinary teams, and a nonadversarial approach

CS/CS/HB 1351 requires the Office of the State Courts Administrator (OSCA), by August 1, 2018, to verify the existence of ECC programs within each circuit court that were established prior to July 1, 2018. The bill requires OSCA to hire and train a full-time community coordinator at each ECC program site, and may also hire a statewide community coordinator to implement the program.

The bill requires the Florida State University Center for Prevention and Early Intervention Policy (CPEIP) to hire a statewide clinical director as well as assemble a clinical oversight team to provide training and technical assistance, consultation and guidance, clinical training for court teams, and training in child-parent psychotherapy to support professional development at each ECC program site. The bill also requires CPEIP and OSCA to provide training to participating court teams on the objectives of the ECC program.

The bill requires the Florida Institute for Child Welfare (FICW), in consultation with other agencies, to evaluate the impact of ECC programs on children in the child welfare system, to include an analysis of data collected by OSCA. FICW is required to submit the results of the evaluation to the Governor, the President of the Senate, the Speaker of the House, and the Office of Program Policy Analysis and Government Accountability by October 1, 2021. In the interim, the FICW is required to submit reports on the status of the program evaluation to these same parties by December 1, 2019 and 2020.

The bill also provides definitions, goals, core components, and legislative findings related to ECC programs.

The bill specifies that implementation of the program is subject to an appropriation for that purpose.

The bill would, if an appropriation is provided for the program's implementation, increase state expenditures in the following areas:

- \$1.6 million in the State Courts;
- \$0.38 million for the FSU Center for Prevention and Early Intervention Policy; and
- \$0.09 million for the Florida Institute for Child Welfare

The bill does not appear to have a fiscal impact on local government.

The bill is effective July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

Chapter 39, F.S., creates Florida's child welfare system to protect children and prevent abuse, abandonment, and neglect. The Department of Children and Families works in partnership with local communities and the dependency courts to ensure the safety, timely permanency and well-being of children in the dependency system. While the child welfare system is tasked with protection of children, it is also required to recognize that most parents desire to be competent caregivers and providers for their children and that children achieve their greatest potential when families are able to support and nurture the growth and development of their children.<sup>1</sup>

Florida has a long history of model court initiatives, pioneering the nation's first drug courts and unified family courts. Florida is also the birthplace of the nation's first Early Childhood Court (ECC) approximately 3 years ago, the Miami Child Well-Being Court, which inspired national expansion of Safe Babies Court Teams (SBCT).<sup>2</sup>

SBCTs are community engagement and systems change initiatives focused on improving how the courts, child welfare agencies, and related child-serving organizations work together to improve and expedite services for young foster children.<sup>3</sup> The SBCT is designed to protect babies from further harm and address the damage done, and expose the structural issues in the child welfare system that prevent families from succeeding.<sup>4</sup>

Building upon these model programs, Florida has embarked on a collaborative statewide ECC initiative.<sup>5</sup>

##### Early Childhood Courts

ECCs address child welfare cases involving children under the age of three. ECC is considered a "problem-solving court" that seeks to address the root causes of justice system involvement through specialized dockets, multidisciplinary teams, and a nonadversarial approach.<sup>6</sup> A hallmark of problem-solving courts is in the individualized intervention for participants by offering evidence-based treatment, judicial supervision, and accountability.<sup>7</sup> Problem-solving courts also differ from traditional courts in how they handle case management. Cases are triaged based on the level of complexity of the issues, and the most complex, service intensive cases are heard on a special docket before a specific judicial officer, providing greater judicial oversight and close monitoring by a multidisciplinary team.<sup>8</sup>

The goal of Florida's ECC, coordinated by the Office of the State Courts Administrator (OSCA) is to improve child safety and well-being, heal trauma and repair the parent/child relationship, expedite

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<sup>1</sup> s. 39.001(1)(b), F.S.

<sup>2</sup> Florida Courts, Office of Court Improvement, *Early Childhood Courts*, available at: <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/early-childhood-court.stml> (last accessed January 17, 2018).

<sup>3</sup> The California Evidence-Based Clearinghouse for Child Welfare, available at: <http://www.cebc4cw.org/program/safe-babies-court-teams-project/> (last accessed January 17, 2018).

<sup>4</sup> Id.

<sup>5</sup> Center for Prevention & Early Intervention Policy, Florida State University, *Florida's Early Childhood Court Manual*, April 2015, at 3, available at: <http://cpeip.fsu.edu/babyCourt/resources/Early%20Childhood%20Court%20Manual%204172015.pdf> (last accessed January 17, 2018).

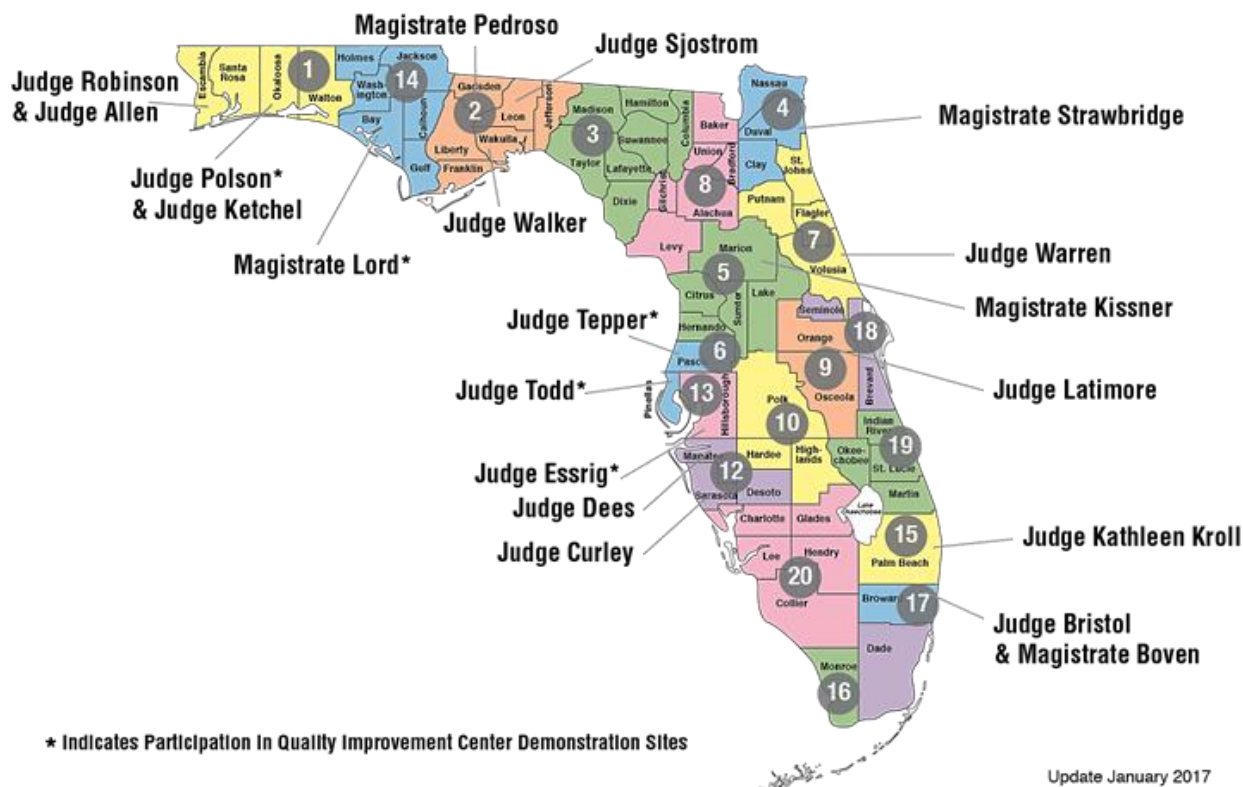
<sup>6</sup> Florida Courts, Office of Court Improvement, *Problem-Solving Courts*, available at: <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/index.stml> (last accessed January 17, 2018).

<sup>7</sup> Id.

<sup>8</sup> Supra, FN 5

permanency, prevent recurrence of maltreatment, and stop the intergenerational cycle of abuse/neglect/violence.<sup>9</sup>

In just over three years, ECC has expanded from the Miami Child Well-Being court to 19 sites in 12 different circuits in Florida.<sup>10</sup>



The ECC have been able to rapidly expand through a partnership between OSCA, the Florida State University Center for Prevention and Early Intervention Policy, and the national ZERO TO THREE<sup>11</sup> organization. In 2015, OSCA received a grant from ZERO TO THREE's Quality improvement Center for Research-Based Infant-Toddler Court Teams.<sup>12</sup>

### Statistics

The following numbers are based on cases closed during calendar year 2016 for children who were removed from their parents' care due to allegations of abandonment, abuse, or neglect.<sup>13</sup>

<sup>9</sup> Id.  
<sup>10</sup> Florida Courts, Office of Court Improvement, *Early Childhood Courts*, available at: <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/early-childhood-court.stml> (last accessed January 17, 2018).

<sup>11</sup> ZERO TO THREE is a national nonprofit organization that informs, trains, and supports professionals, policymakers, and parents in efforts to improve and promote the health and development of children under 3 years of age.

<sup>12</sup> Supra, FN 10

<sup>13</sup> Id.; Case closure is defined as the termination of supervision or jurisdiction. The total number of reunifications prior to closure in 2016 for non-ECC children was 2,556, and the total number of reunifications prior to closure in 2016 for ECC children was 79. These two measures compare groups of children ages 0-3 who were in the Early Childhood Court (ECC) program to children ages 0-3 who were not in the ECC program. The total number of closures in 2016 for non-ECC children was 5,466, and the total number of closures in 2016 for ECC children was 59.

Measure	Children not in ECC	Children in ECC
Median number of days from removal to reunification	298.5	226
Median number of days from removal to adoption	704	537
Median number of days from removal to another permanency option	497	385
Re-removal after case closure	3.86%	3.39%

### FSU Center for Prevention & Early Intervention Policy

The FSU Center for Prevention & Early Intervention Policy (CPEIP) was established in February 1991 as part of the FSU Institute for Science and Public Affairs.<sup>14</sup> The purpose of the FSU CPEIP is to investigate what early interventions are most effective on children, families and communities, translate the related research findings into public policy and programs, and evaluate the impact.<sup>15</sup> FSU CPEIP is already a partner in the ECC program and has been integral in the creation and expansion of the program statewide.<sup>16</sup>

### Florida Institute for Child Welfare

In 2014, the Legislature passed s. 1004.615, F.S., establishing the Florida Institute for Child Welfare (FICW) at the Florida State University College of Social Work. The purpose of the FICW is to advance the well-being of children and families by improving the performance of child protection and child welfare services through research, policy analysis, evaluation, and leadership development.<sup>17</sup> Some of the required duties of the FICW are:

- Maintain a program of research which contributes to scientific knowledge and informs both policy and practice;
- Advise the department and other organizations participating in the child protection and child welfare system regarding scientific evidence;
- Provide advice regarding management practices and administrative processes used by the department and other organizations participating in the child protection and child welfare system and recommend improvements; and
- Assess the performance of child protection and child welfare services based on specific outcome measures.<sup>18</sup>

### **Effect of Proposed Language**

CS/CS/HB 1351 requires OSCA, by August 1, 2018, to verify the existence of ECC programs within each circuit court that were established prior to July 1, 2018. The bill requires OSCA, in coordination with the circuit courts, to hire and train a full-time community coordinator at each ECC program site. OSCA may also hire a statewide community coordinator to implement the program.

The bill requires the FSU CPEIP to hire a statewide clinical director as well as assemble a clinical oversight team to ensure quality, accountability, and fidelity to the ECC Model. This team would provide training and technical assistance related to clinical services, consultation and guidance, clinical training for court teams, and training in child-parent psychotherapy to support professional development at each ECC program site.

The bill requires OSCA and CPEIP to provide training to participating court teams on meeting the objectives of the ECC program.

<sup>14</sup> Florida State University, Center for Prevention & Early Intervention Policy, About Us, available at: <http://www.cpeip.fsu.edu/about.cfm> (last accessed January 19, 2018).

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> s. 1004.615(1), F.S.

<sup>18</sup> s. 1004.615(4), F.S.

The bill details the primary goal of the ECC program is to improve outcomes of children under 3 years of age by:

- Improving child safety and well-being;
- Addressing parents' trauma-related conditions and associated issues;
- Achieving timely permanency;
- Preventing recurrences of maltreatment; and
- Ending the intergenerational cycle of abuse, neglect, and violence.

The bill lists the core components of an ECC program. It must be modeled after the national ZERO TO THREE Safe Babies Court Team approach, promote community engagement and systems change initiatives, and incorporate:

- An engaged and informed judge who leads the ECC team;
- Licensed mental health specialists who are trained in Child-parent psychotherapy; and
- An ECC community coordinator to support the ECC judge.

The bill requires FICW, in consultation with the Department of Children and Families, OSCA, CPEIP, and the national ZERO TO THREE organization, to evaluate the impact of ECC programs on children in the child welfare system. This evaluation must include an analysis of data collected by OSCA, to include:

- The impact of the ECC program on future incidence of maltreatment in ECC court cases;
- Timely permanency;
- Reunification of families; and
- Incidents of children reentering the child welfare system in ECC court cases.

FICW is required to submit the results of the evaluation to the Governor, the President of the Senate, the Speaker of the House, and the Office of Program Policy Analysis and Government Accountability by October 1, 2021. In the interim, the FICW is required to submit reports on the status of the program evaluation to these same parties by December 1, 2019 and 2020.

The bill defines "community coordinator," "Early Childhood Court," "Safe Babies Court Team," and "ZERO TO THREE," as used in the bill.

The bill also provides legislative findings and intent language that details the importance of evidence-based practices and strategies to mitigate the impact of trauma on a child in the first 1,000 days of his or her life, the success of the Safe Babies Court approach, and the importance of the Legislature to provide resources to expand the existing ECC program.

The bill specifies that the implementation of the Early Childhood Court program is subject to an appropriation provided by the Legislature in the General Appropriations Act for the purpose of implementing the program.

The bill is effective July 1, 2018.

#### B. SECTION DIRECTORY:

- Section 1:** Creates s. 39.01304, F.S., relating to Early Childhood Court programs.  
**Section 2:** Provides an effective date of July 1, 2018.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

2. Expenditures:

The bill specifies that implementation of the Early Childhood Court program is subject to an appropriation by the Legislature in the General Appropriations Act for that purpose.

The program's implementation would have a fiscal impact on the state in the following areas:

State Courts

The program would likely increase expenditures in the State Courts. OSCA reports that the 23 OPS positions needed to comply with the bill will cost \$1,642,861 in recurring funds from GR commencing in FY 2018-19.<sup>19</sup>

FSU Center for Prevention and Early Intervention Policy

The program would likely increase the expenditures of the CPEIP. To support the Senate companion, \$386,120 in nonrecurring funds from GR in FY 2018-19 has been requested.<sup>20</sup> However, this is likely a recurring cost.

Florida Institute for Child Welfare

The program would likely increase the expenditures of the FICW. To support the Senate companion, \$94,104 in nonrecurring funds from GR in FY 2018-19 has been requested.<sup>21</sup> However, this is likely a recurring cost for at least 3 years as the FICW evaluates the program.

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:

<sup>19</sup> Office of the State Courts Administrator, 2018 Judicial Impact Statement, HB 1351 (January 19, 2018) (on file with Civil Justice & Claims Subcommittee staff).

<sup>20</sup> Local Funding Initiative Request - Fiscal Year 2018=2019, The Florida Senate, Early Childhood Court Program--FS Center for Prevention & Early Intervention Policy, Senator Book, 1/15/18, available at: [https://www.flsenate.gov/PublishedContent/Session/FiscalYear/FY2018-19/LocalFundingInitiativeRequests/FY2018-19\\_S2243.PDF](https://www.flsenate.gov/PublishedContent/Session/FiscalYear/FY2018-19/LocalFundingInitiativeRequests/FY2018-19_S2243.PDF) (last accessed January 19, 2018).

<sup>21</sup> Local Funding Initiative Request - Fiscal Year 2018=2019, The Florida Senate, Early Childhood Court Program--FL Institute for Child Welfare, Senator Book, 1/15/18, available at: [https://www.flsenate.gov/PublishedContent/Session/FiscalYear/FY2018-19/LocalFundingInitiativeRequests/FY2018-19\\_S2242.PDF](https://www.flsenate.gov/PublishedContent/Session/FiscalYear/FY2018-19/LocalFundingInitiativeRequests/FY2018-19_S2242.PDF) (last accessed January 19, 2018).

Not applicable. The bill does not appear to affect county or municipal government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill codifies the use of a particular model and national organization. Statewide support by OSCA, CEIEP, and the FICW would only be available to circuits who utilize that particular model.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 23, 2018, the Civil Justice & Claims Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Updates intent language to include community coordinators and early childhood mental health specialists in the list of resources utilized by early childhood courts to address trauma.
- Renames the position with the FSU Center for Prevention and Early Intervention Policy to a statewide clinical director instead of a statewide clinical consultant.
- Removes "continuum of evidence based mental health interventions" as a core component of the ECC program and replaces it with a requirement for licensed mental health specialists trained in child-parent psychotherapy to make recommendations to the judge.

This analysis is drafted to the committee substitute as passed by the Civil Justice & Claims Subcommittee.

On February 27, 2018, the Appropriations Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment specifies that the implementation of the Early Childhood Court program is contingent upon an appropriation in the General Appropriations Act for that specific purpose.

This analysis is drafted to the committee substitute as passed by the Appropriations Committee.