

**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.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 262

INTRODUCER: Senator Albritton

SUBJECT: Child Welfare

DATE: February 1, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	<b>Favorable</b>
2.			JU	
3.			RC	

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**I. Summary:**

SB 262 aims to speed up the dependency process for abused children removed from their home to achieve permanency within one year. Permanency can be reunification with parents, placement with a permanent guardian, often a relative, or adoption. The bill makes changes such as requiring updated parent contact information, making referrals to services for parents within 7 days, requiring parents to notify the court of any barriers to completing their case plan, and to clearly inform parents that if they do not complete their case plan within one year, they may have their parental rights terminated.

The bill could have an insignificant fiscal impact on the state and has an effective date of October 1, 2019.

**II. Present Situation:**

A child protective investigation begins with a report by any person to the Florida Abuse Hotline. The state is required to maintain a 24/hour, 7/day capacity for receiving reports of maltreatments. The reports are sent out to child protective investigators (CPIs) across the state to investigate.<sup>1</sup>

The CPI receiving the report is most commonly a DCF employee, but in six counties the local sheriff performs the investigative function. The DCF child protective services are delivered through 6 regional offices, using over 1,500 investigators and 300 supervisors.<sup>2</sup> The sheriff's offices employ 387 CPIs and 70 supervisors.

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<sup>1</sup> Department of Children and Families website, see <http://www.myflfamilies.com/service-programs/abuse-hotline/frequently-asked-questions>, last visited January 28, 2019.

<sup>2</sup> Department of Children and Families website, see <https://www.dcf.state.fl.us/programs/childwelfare/docs/2016LMRs/CPI%20CPI%20Supv%20Workforce%20Report.pdf>, last visited January 28, 2019.

Court hearings are required whenever a child is removed from his or her home. The attorneys in these cases are either department employees or employees of the Attorney General's Office under contract to DCF or, in one case, a state attorney office.

The community-based care lead agencies and their subcontractors are the primary providers of services to children and families in the child welfare system. There are currently 19 lead agencies with contracts covering all 20 judicial circuits.<sup>3</sup> The lead agencies and their subcontractors employ case managers and supervisors to oversee the provision of services to children and their parents in the child welfare system. A parent's case plan may order a variety of services to improve their capacity as a care-giver. Many of the services are not directly provided by the lead agencies or the case management subcontractors, but by substance abuse, mental health, and other specialized community based providers.

### III. Effect of Proposed Changes:

**Section 1** amends section 39.001, F.S., relating to the purposes and intent of chapter 39, the state's laws on dependency. Intent language is added to recognize the responsibility of the parents to comply with case plans in order to reunify with their children as soon as possible. The bill states that community-based care providers must assist parents to overcome any barriers to complying with their case plans. The bill intends that courts affirmatively determine barriers to parents and address such barriers to ensure timely compliance with the case plan.

The bill requires that the name of a child's guardian ad litem or attorney ad litem be entered into the court record. The bill restates current law that permanency for the child should occur within 1 year.

**Section 2** amends s. 39.0136, F.S., regarding continuances in dependency cases, to state that all parties and the court must work to ensure the timely performance of their case plan. The bill further requires that parents have the contact information for their case manager. Case managers are either employees of the community-based care lead agency or a contracted provider. Such case managers experience a high turnover and such disruptions can extend the time in care for dependent children.

**Section 3** amends s. 39.402, F.S., relating to placement of an abused child in a shelter. The bill clarifies that cases may not be continued more than 60 days, including continuances initiated by the court. The bill requires the court to advise the parents in plain language what is expected of them to achieve reunification, parents must complete their case plan within 1 year, parents must provide updated contact information to their attorney and case manager, and parents must notify the court of any barriers to completing the case plan.

**Section 4** amends 39.507, F.S., regarding adjudicatory hearings to require that parents must complete their case plan within 1 year, parents must provide updated contact information to their attorney and case manager, and parents must notify the court of any barriers to completing the case plan.

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<sup>3</sup> Department of Children and Families website, see <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map>, last visited January 28, 2019.

**Section 5** amends s. 39.521, F.S., relating to disposition hearings to clarify that the department must provide copies of the case plan to all parties in the dependency case.

**Section 6** amends s. 39.522, F.S. regarding postdisposition change of custody. The bill allows a motion to change the placement of a child at any time before a child achieves permanency.

**Section 7** amends s. 39.6011, relating to case plans, to provide written notice to the parents that it is their responsibility to comply with the case plan within 1 year of removal or adjudication of the child. Parents are also to be advised that they must notify the parties and the court in writing of any barriers that would prevent them from completing their case plans. The bill requires the department to explain the provisions of the case plan to all persons involved and provide necessary contact information. Referrals for necessary services for parents must be made within 7 days after the case plan is approved.

**Section 8** amends s. 39.6012, F.S., regarding case plan tasks, to require case plans to include strategies to overcome any barriers to completing the case plan. Parents must notify the parties and the court of any barriers that would prevent them from completing their case plans.

**Section 9** amends s. 39.6013, F.S., relating to case plan amendments, to correct a cross reference.

**Section 10** amends s. 39.621, F.S., regarding permanency, to require the court to hold permanency status hearings every 60 days for children who will need more than 1 year to achieve permanency.

**Section 11** amends s. 39.806, F.S., relating to termination of parental rights, to clarify that parents who do not materially complete their case plan, by their action or inaction, can have their parental rights terminated.

**Section 12** amends s. 39.811, F.S., regarding when a dependency case is disposed by a termination of parental rights, to require that the court shall enter a written order within 30 days after such disposition.

**Section 13** provides an effective date of October 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:

The changes in the bill may have an increase to the workload of the state courts system. The fiscal impact is not expected to be significant. If the bill results in children spending less time in dependency, then the state would realize a savings in the budget of the state court system and the department. No analysis from the state court system or the department was received to provide additional information on the fiscal impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 39.001, 39.0136, 39.402, 39.507, 39.521, 39.522, 39.6011, 39.6012, 39.6013, 39.621, 39.806, and 39.811.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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

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