

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7103 (PCB HFS 13-01) Cross-Over Youth

SPONSOR(S): Healthy Families Subcommittee; Harrell

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

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|----------|--|
| Orig. Comm.: Healthy Families Subcommittee | 12 Y, 0 N | Entress | Schoolfield |
| 1) Health Care Appropriations Subcommittee | 13 Y, 0 N | Fontaine | Pridgeon |
| 2) Health & Human Services Committee | 16 Y, 1 N | Entress | Calamas |

SUMMARY ANALYSIS

The term "Cross Over Youth" is used to describe children, under the age of 18, who are under the care of both the Department of Children and Families (DCF) and the Department of Juvenile Justice (DJJ). This population of youth has a high rate of running away and a higher rate of being reported to law enforcement for behavioral problems.

The proposed committee bill authorizes DJJ and DCF to collaborate on a pilot project to demonstrate a more effective service model for cross over youth, in one county, which is mutually agreed upon by DJJ and DCF. The bill requires DCF to seek proposals from interested child welfare service providers to elicit innovative approaches for the pilot and provides preference to counties who have a unified family court system.

The bill requires the pilot project to include the following elements:

- Training provided by the DJJ to pilot home staff.
- Intervention services by the DJJ to post commitment youth residing in pilot homes.
- Enhanced security measures at pilot homes.
- Unified treatment plans for cross over youth served by multiple state and local agencies.
- Interventions to ensure that low risk to reoffend youth are not negatively affected by high risk cross over youth.

The bill requires DCF and DJJ to jointly prepare an interim report due December 31, 2013 and a final report due August 31, 2014, on findings, including specific performance measures identified in the bill and recommendations from the pilot project.

The fiscal impact of this bill is estimated to affect DCF by \$280,000, but can be absorbed within existing department resources.

The bill provides an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Department of Juvenile Justice

The Department of Juvenile Justice (DJJ) is established in s. 20.316, F.S. DJJ is authorized in statute for programs including, prevention and victim services, intake and detention, residential and correctional facilities, probation and community corrections, and administration. DJJ's stated mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth.¹

DJJ takes children into custody for delinquent acts and violations of law.² The intake process assesses the child's needs and risks to determine the most appropriate treatment plan and setting for the child's needs and risks.³ Intake typically involves the following steps:

1. Detention screening is completed using the Detention Risk Assessment Instrument (DRAI) to determine whether the youth should be placed in secure, non-secure, or home detention care prior to a detention hearing.
2. The state attorney recommendation and pre-disposition report is completed to inform the state attorney of DJJ's suggestion regarding proceeding with the case and to assist the court in determining a disposition for the youth once he or she is adjudicated delinquent.
3. The youth charged with a criminal or delinquent offense is evaluated using the Positive Achievement Change Tool (PACT), which is used as the primary tool for case management, service planning, treatment progress, and readiness for termination of services.
4. The physical health, mental health, substance abuse, academic, educational, or vocational problem for youth anticipated to be placed in residential commitment is evaluated.⁴

Youth in intake are assigned a juvenile probation officer (JPO).⁵ The JPOs serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child.⁶ During the intake process, JPOs are required to screen each child to make a number of determinations, including whether release is appropriate, whether the child should be referred to a diversionary program or community arbitration, for any conditions that may have caused the child to come to the attention of law enforcement, and whether the child is a risk to themselves or others.⁷

All proceedings alleging that a child has committed a delinquent act or violation of law are initiated with the state attorney filing a petition for delinquency.⁸ Following the petition, an adjudication hearing is heard as soon as possible after the petition is filed.⁹ The court can find that the juvenile has not committed the act and dismiss the case or can find that the child has committed the act.¹⁰ If the court finds the child delinquent, there are a number of options available to the court, including probation and committal to DJJ.¹¹

¹ Mission, Florida Department of Juvenile Justice, *accessible at*: <http://www.djj.state.fl.us/about-us/mission>.

² S. 985.101(1)(b).

³ S. 985.14(2), F.S.

⁴ Rule 63D-9.001, F.A.C.

⁵ S. 985.14(1), F.S.

⁶ S. 985.145(1), F.S.

⁷ S. 985.145(1)(c), F.S.

⁸ S. 985.318(1), F.S.

⁹ S. 985.35(1), F.S.

¹⁰ S. 985.35, F.S.

¹¹ S. 985.433, F.S.

Probation

When a child is found delinquent by a court,¹² the court can place the child in a probation program under the supervision of DJJ or under the supervision of any other person or agency authorized and appointed by the court.¹³ Probation programs consist of penalty components and rehabilitative components. Penalty components include requirements such as restitution, community service, and urine monitoring. Rehabilitative components include requirements such as participation in substance abuse treatment, school, and other educational program attendance.¹⁴ Each youth is assigned a JPO to monitor compliance and help the youth connect with service providers.¹⁵

Typically, the term of any order placing a child in a probation program lasts until the child's 19th birthday unless he or she is released by the court on the motion of an interested party or on his or her own motion.¹⁶ The court can also allow early termination of probation if the child has substantially complied with the terms and conditions of probation.¹⁷

If a child violates the conditions of the probation program, DJJ or the state attorney may bring the child before the court on a petition alleging a violation of the program.¹⁸ If the court finds that the youth has not complied with the terms of probation, the youth may be ordered to live in a residential commitment facility for a period of time.¹⁹

Department of Children and Families

The Department of Children and Families (DCF) is established in s. 20.19, F.S. The mission of DCF is to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency.²⁰ DCF establishes and supervises a variety of programs to provide shelter and care for dependent children who must be placed away from their families, including foster homes, group homes, and emergency shelters.²¹

Prior to 1996, DCF accomplished its mission by directly delivering child protection services to recipients. In 1996, DCF began to privatize child protection services through a Community-Based Care (CBC) pilot program.²² Through the CBC program, private companies, known as "lead agencies", enter into a contract with DCF to provide foster care services, child abuse services, and mental health services, and other types of assistance. There are currently 20 lead agencies providing these and other services across the state.²³ Lead agencies use subcontractors to deliver services directly to recipients.

Child Protective Investigations

Once a call is received to the child abuse hotline and a determination has been made that a child may be a victim of abuse, abandonment, or neglect, a Child Protective Investigator (CPI) is sent out for an immediate onsite investigation, if appropriate, or within 24 hours from the time the report was accepted by the hotline.²⁴ DCF is required to report criminal conduct²⁵ immediately to county law enforcement in

¹² Under s. 985.43(7)(c), a child can also be placed in a probation program following discharge from commitment.

¹³ S. 985.35(4)(a).

¹⁴ S. 985.35(4)(a).

¹⁵ Probation and Community Intervention FAQ, Florida Department of Juvenile Justice, *accessible at*:

<http://www.djj.state.fl.us/faqs/probation-community-intervention>.

¹⁶ S. 985.0301(5)(b), F.S.

¹⁷ S. 985.435(6), F.S.

¹⁸ S. 985.439(1)(b), F.S.

¹⁹ S. 985.439(4)(d).

²⁰ S. 20.19(1)(a), F.S.

²¹ S. 409.165(1), F.S.

²² State of Florida, Department of Children and Families, *Community-Based Care Implementation Plan*, July 1999, pg. 2

²³ Lead Agency Map, State of Florida, Department of Children and Families, at

http://www.dcf.f.us/programs/cbc/docs/lead_agency_map.pdf.

²⁴ Rule 65C-29.003, F.A.C.

²⁵ S. 39.301(2)(b), F.S.

which the alleged conduct has occurred.²⁶ The CPI is required to inform all parties of the report, once the initial assessment is complete, including the parent, legal custodian or other person responsible for the child's welfare.²⁷ All investigations are required to be completed within 60 days, unless there is a concurrent criminal investigation, the death of a child is involved, or the child is determined to be missing.²⁸

Current statute provides two options for response once the CPI determines the report is complete:²⁹

1. If the department or the sheriff providing child protective investigative services determines that the interests of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and the parents or legal custodians, the parent or legal custodian and child may be referred for such care, case management, or other community resources.
2. If the department or the sheriff providing child protective investigative services determines that the child is in need of protection and supervision, the department may file a petition for dependency.

DCF currently performs child protection investigation services in 60 counties using department staff.³⁰ In the remaining 7 counties³¹, investigations are conducted by local Sheriff's offices under contract with DCF.³²

Petitions

If during the course of a protective investigation, DCF or law enforcement deems that a child cannot safely remain in a home, because of abuse, abandonment, or neglect, the child can be taken into custody.³³ Once a child is taken into custody, DCF will review the facts supporting the removal of the child and determine if sufficient cause exists to file a shelter petition. If sufficient cause does not exist, the child shall be returned to their parent or legal custodian.³⁴ If sufficient cause does exist, DCF shall file a petition, schedule a hearing with the courts, and request that a shelter hearing be held within 24 hours from the removal of the child from the home.³⁵ At the adjudicatory hearing the court may make the following rulings:³⁶

- That the child is not a dependent child and dismiss the case;
- That the child is adjudicated dependent and may remain in the home, under supervision of the court, or be placed in out-of-home care;
- That the child may remain in the home, under the supervision of DCF; adjudication of dependency would be withheld assuming the family complies with the conditions of supervision.

DCF will develop a case plan for each child taken from the home with the goal of achieving permanency for the child.

²⁶ S. 39.301(2)(a), F.S.

²⁷ Rule 65C-29.003, F.A.C.

²⁸ S. 39.301(17), F.S.

²⁹ S. 39.301(9)(c), F.S.

³⁰ OPPAGA Memorandum, Sheriff's Offices have Advantages for Conducting Child Abuse Investigations, but Quality Cannot be Directly Compared to DCF. (February 26, 2011).

³¹ Broward, Citrus, Hillsborough, Manatee, Pasco, Pinellas, and Seminole.

³² OPPAGA Memorandum, Sheriff's Offices have Advantages for Conducting Child Abuse Investigations, but Quality Cannot be Directly Compared to DCF. (February 26, 2011).

³³ S. 39.401, F.S.

³⁴ S. 39.401(3)(a), F.S.

³⁵ S. 39.401(3)(b), F.S.

³⁶ S. 39.507, F.S.

Residential Care

Family foster homes, residential child-caring agencies, and child-placing agencies care for children under the supervision of DCF.³⁷

Family Foster Home: A family foster home is a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs.³⁸ Currently, 5,584 children reside in family foster homes.³⁹

Residential Child Caring Agency: A residential child-caring agency is a person, corporation, or agency, other than the child's parent or legal guardian that provides staffed 24-hour care for children in facilities maintained for that purpose. Such residential child-caring agencies include, maternity homes, runaway shelters, group homes that are administered by an agency, emergency shelters that are not in private residences, and wilderness camps.⁴⁰ Currently, 2,083 children reside in residential child caring agencies.⁴¹

Child Placing Agency: A child-placing agency is any person, corporation, or agency that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home.⁴² Child-placing agencies,⁴³ family foster homes, and residential child-caring agencies must be licensed by DCF before providing care.⁴⁴

Unified Family Courts

A Unified Family Court (UFC) is a fully integrated, comprehensive approach to handling all cases involving children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost effective manner.⁴⁵ UFCs can cover a variety of legal issues under one judge and in one court, which affects a given family. These issues may include domestic relations, domestic violence, dependency, and delinquency.⁴⁶ UFCs must have court case management, coordination of multiple cases involving one family, collaboration between the judiciary, stakeholders, and the community to provide service for families, and a less adversarial approach, focusing on minimal harm to the child.⁴⁷ There are currently unified family courts available in 18 of 20 judicial circuits in Florida.⁴⁸

Cross Over Youth

The term "Cross Over Youth" is used to describe children, under the age of 18, who are under the care of both DCF and DJJ. It is estimated that monthly, between 600 and 800 youth are in both the DCF and DJJ systems of care at the same time.⁴⁹ This population of youth has a high rate of running away and a higher rate of being reported to law enforcement for behavioral problems. A subset of this population during 2012, was analyzed which included 120 children who were released from DJJ residential commitment and placed with DCF in out of home care.⁵⁰ Forty Seven percent of these children were placed in a group home and the remainder were in foster home care, with relatives, non-

³⁷ S. 409.175(1)(a).

³⁸ S. 409.175(2)(e), F.S.

³⁹ Email dated 3/8/13 from Gina Sisk, Department of Children and Families. (on file with Healthy Families Subcommittee)

⁴⁰ S. 409.175(2)(j), F.S.

⁴¹ Email dated 3/8/13 from Gina Sisk, Department of Children and Families. (on file with Healthy Families Subcommittee)

⁴² S. 409.175(2)(d), F.S.

⁴³ S. 63.202(1), F.S.

⁴⁴ S. 409.175(4)(a), F.S.

⁴⁵ Office of Court Improvement, Florida State Courts, *accessible at*: http://www.flcourts.org/gen_public/family/familycourts.shtml.

⁴⁶ Video from Unified Family Court Judges, the 17th Judicial Circuit Court of Florida, *accessible at*: <http://www.17th.flcourts.org/ufc-1/ufc-1.html>.

⁴⁷ Florida's Unified Office of Court Improvement Newsletter, Office of the State Courts Administrator, *accessible at*: http://www.flcourts.org/gen_public/family/bin/ufcbrochure.pdf.

⁴⁸ Email dated 3/9/13 from Gina Sisk, Department of Children and Families. (on file with Healthy Families Subcommittee).

⁴⁹ Email date 1/11/13 from Amanda Prater, Department of Children and Families "DJJ cross over data for House" (on file with Healthy Families Subcommittee)

⁵⁰ Committee Packet, Florida House of Representatives Healthy Families Subcommittee, January 16, 2013.

relatives, ran away/abducted, or had an alternative placement.⁵¹ Of these 120 children, 114 had felony charges and 6 had misdemeanor charges in their record.⁵²

DCF group home providers have expressed concern about serving these youth who are more costly, have greater mental health needs, require more facility security and higher trained facility staff.⁵³

Georgetown University Model

The Center for Juvenile Justice, within Georgetown University, has created a cross over youth practice model, which aims to address the unique needs of children involved in both the child welfare system and juvenile justice system.⁵⁴ The center developed a practice model that describes the specific practices that need to be in place within a jurisdiction in order to reduce the number of youth who cross over between the child welfare and juvenile justice systems, the number of youth entering and reentering care, and the length of stay in out of home care.⁵⁵ Currently, the center has 44 participating jurisdictions, five of which are in Florida.⁵⁶ The center uses the following practices for the model:

- the creation of a process for identifying cross over youth at the point of crossing over;
- ensuring that workers are exchanging information in a timely manner, including families in all decision-making aspects of the case;
- ensuring that foster care bias is not occurring at the point of detention or disposition; and
- maximizing the services utilized by each system to prevent cross over from occurring.⁵⁷

Public Defender Juvenile Crossover Children's Program

In July 2006, the Sixth Judicial Circuit Public Defenders Office created the Crossover Children's Program to provide representation to juveniles whose cases "crossover" into both dependency and delinquency divisions within the Unified Family Court of the Sixth Judicial Circuit. The goal of the program is to provide better outcomes for crossover youth. The program provides a one Judge and one attorney concept with the intent of providing more consistency for the youth and greater familiarity with their needs. The program also intends to better inform the youth of the legal process. Children are identified and appointed a "crossover" public defender at the earliest point possible in the process.⁵⁸

Effect of Proposed Changes

The proposed committee bill authorizes DJJ and DCF to collaborate on a pilot project to demonstrate a more effective service model for cross over youth, efficient coordination of services between agencies and the evidence of improved outcomes for youth residing in the pilot project facility.

The pilot project shall be limited to one county mutually agreed upon by DJJ and DCF with a high rate of cross over youth. The bill intends that the cross over youth in the pilot project are in DJJ probation status. DCF shall seek proposals from interested child welfare service providers to elicit innovative approaches for the pilot. Preference will be given to counties who have a unified family court system.

The pilot project shall include but not be limited to the following elements:

- Training provided by the DJJ to pilot home staff.
- Intervention services by the DJJ to post commitment youth residing in pilot homes.
- Enhanced security measures at pilot homes.
- Unified treatment plans for cross over youth served by multiple state and local agencies.

⁵¹ *Id.*

⁵² *Id.*

⁵³ Testimony given by panelists at Healthy Families Subcommittee, January 16, 2013.

⁵⁴ Cross Over Youth Practice Model, The Center for Juvenile Justice, *accessible at*: <http://cjjr.georgetown.edu/pm/practicemodel.html>.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ E-mail Correspondence with Rosemary Gunnels, Assistant to Bob Dillinger, Public Defender, 6th circuit, on file with Health and Human Services Committee Staff, April 3, 2013.

- Interventions to ensure that low risk to reoffend youth are not negatively affected by high risk cross over youth.

The Pilot project may begin upon the bill becoming law and must end no later than June 30, 2014. DCF and DJJ shall jointly prepare an interim report due December 31, 2013 and a final report due August 31, 2014, on findings including specific performance measures identified in the bill and recommendations from the pilot project.

B. SECTION DIRECTORY:

- Section 1:** Creates an unnumbered section of law, relating to the Cross Over Youth pilot project
Section 2: Provides an effective date of upon becoming a law.

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:

DCF and DJJ have indicated that the cost of the pilot project will be covered with existing program resources. DJJ services will be primarily offered through in-kind services. DCF estimated that \$280,000 in expenditures may be required for their portion of the pilot, but can be absorbed within existing department resources.⁵⁹

Sources of Funds from DCF include:

| | |
|--|-----------------|
| Contract review for efficiencies: | \$59,000 |
| Consulting Services (nonrecurring) | \$126,000 |
| One year cost to participating CBC | \$25,000 |
| Operational efficiencies (spending analysis) | <u>\$70,000</u> |
| Total | \$280,000 |

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

⁵⁹ Department of Children & Families Staff Analysis and Economic Impact- Fiscal Note, March 12, 2013.
STORAGE NAME: h7103c.HHSC
DATE: 4/5/2013

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.