

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 Committee on Rules

BILL: CS/SB 262

INTRODUCER: Judiciary Committee and Senator Albritton

SUBJECT: Child Welfare

DATE: March 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	<u>Hendon</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 262 aims to speed up the dependency process for abused children removed from their home to achieve permanency within 1 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 1 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/day, 7-day/week capacity for receiving reports of maltreatments. The reports are sent out to child protective investigators (CPIs) across the state to investigate.¹

¹ Department of Children and Families, *Abuse Hotline, Frequently Asked Questions*, see <http://www.myflfamilies.com/service-programs/abuse-hotline/frequently-asked-questions> (last visited Feb. 13, 2019).

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 more than 1,500 investigators and 300 supervisors.² The sheriffs' offices employ 387 CPIs and 70 supervisors.

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's 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 having contracts covering all 20 judicial circuits.³ 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 ch. 39, F.S., the state's laws on dependency, to require that the name of a child's guardian ad litem or attorney ad litem be entered on all orders of the court. 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. Though current law limits continues to 60 days in any 12-month period, the bill expressly states that this limitation applies even to continuances that result from the court's own motion.

Additionally, the bill requires the department to provide parents with the contact information for their case manager, and requires a new case manager to reach out to the parents quickly and diligently. The turnover rate amongst case managers is high, and the resulting disruptions can extend the time in care for dependent children. Case managers are either employees of the community-based care lead agency or a contracted provider.

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 permanency with the child. Specifically, the bill requires the court to tell the parents that they must complete their case plan within 1 year, provide updated contact

² Office of Child Welfare, Department of Children and Families, *Child Protective Investigator and Child Protective Investigator Supervisor Educational Qualifications, Turnover, and Working Conditions Status Report* (Oct. 1, 2016), <https://www.dcf.state.fl.us/programs/childwelfare/docs/2016LMRs/CPI%20CPI%20Supv%20Workforce%20Report.pdf>.

³ Department of Children and Families, *Community Based Care Lead Agency Map*, <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map> (last visited Feb. 13, 2019).

information to their attorney and case manager, and notify the court of any barriers to completing the case plan.

Additionally, the bill requires the parents of a dependent child who is in out-of-home care to provide the court with the name and “location information” for relatives who might care for the child.

Section 4 amends 39.507, F.S., regarding adjudicatory hearings at which the court determines that a child is dependent. Specifically, the bill requires the court to advise the parents in plain language that the parents must complete their case plan within 1 year, provide updated contact information to their attorney and case manager, and notify the court of any barriers to completing the case plan.

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 limits the circumstances in which a court may change the conditions of protective supervision or a placement of a child. Changes to these matters may occur only before a child’s permanency placement is approved at a permanency hearing. Additionally, the bill provides that these proceedings to change the conditions of protective supervision or a placement of a child may be initiated by a motion, as opposed to by a petition as under current law.

Section 7 amends s. 39.6011, relating to case plans, to require that a case plan include written notice to the parents that it is their responsibility to comply with the case plan so that permanency with the child occurs within 1 year after removal or adjudication of the child as dependent. The case plan must also advise the parents that they must notify the parties and the court 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. Moreover, the department must make referrals for services for parents 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 for the parents to use in overcoming any barriers to completing the case plan. The case plan must also explain to the parents that they must notify the parties and the court of certain barriers to the parents’ completion of their case plan.

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 the permanency goal of adoption or reunification. These hearings must continue every 60 days until the child reaches the permanency goal or the court determines it is in the child’s best interest to change the goal.

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 the court to 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:

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

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 bill may increase costs to the state court system, the Guardian ad Litem program, and the Department of Children and Families. One aspect of the bill that could increase costs to the state is the requirement that the court hold hearings every 60 days regarding a child

who is in out-of-home care and will not achieve certain permanency goals within one year. However, 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.

The Department of Children and Families states that the bill will have a “workload impact” on the Department and an “indeterminate” fiscal impact.⁴ The Office of the State Courts Administrator has not supplied cost information for this bill.

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 Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on February 19, 2019:

The committee substitute changes the underlying bill by:

- Removing language that added a “purpose” to the list of purposes for this state’s dependency statutes;
- Changing several references to from “reunification with the child” to “permanency with the child;” and
- Eliminating the requirement that notice from the parents to the court of barriers to the parents’ completion of their case plan be *in writing*.

- B. **Amendments:**

None.

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

⁴ Department of Children and Families, *2019 Agency Bill Analysis (SB 262)* (Jan. 14, 2019) (on file with the Senate Committee on Judiciary).