

**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 90

INTRODUCER: Senator Book

SUBJECT: Early Childhood Courts

DATE: January 21, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	<b>Pre-meeting</b>
2.			ACJ	
3.			AP	

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**I. Summary:**

SB 90 creates a new section of the Florida Statutes, to create of an Early Childhood Court (ECC) program that addresses cases involving children typically under the age of three and uses specialized dockets, multidisciplinary teams, and a nonadversarial approach. The bill provides legislative intent and requires:

- Specified core components to be considered an early childhood court. Those components include judicial leadership, community coordination, a court team, and a continuum of mental health services.
- The Office of the State Courts Administrator (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.
- OSCA to contract with one or more university based centers with an expertise in infant mental health to hire a statewide clinical director.
- The Florida Institute for Child Welfare (FICW), in consultation with other entities, to evaluate the impact of the ECC program on children in the child welfare system, to include an analysis of data collected by OSCA. The institute is required to submit the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House by October 1, 2022. Status reports are due by December 1, 2020 and 2021.

The bill has a fiscal impact on state government and has an effective date of July 1, 2019.

**II. Present Situation:**

**Problem-Solving Courts**

In 1989, Florida started problem-solving court initiatives by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets

subsequently followed using the drug court model and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, and child abuse and neglect.<sup>1</sup>

Florida's problem-solving courts address the root causes of an individual's involvement with the justice system through specialized dockets, multidisciplinary teams, and a nonadversarial approach. Offering evidence-based treatment, judicial supervision, and accountability, problem-solving courts provide individualized interventions for participants, thereby reducing recidivism and promoting confidence and satisfaction with the justice system process.<sup>2</sup>

### **Early Childhood Courts in Florida**

Early childhood courts address child welfare cases involving children typically under the age of three. ECC is considered a "problem-solving court" that is coordinated by the Office of the State Courts Administrator with a goal of improving child safety and well-being, healing trauma and repairing the parent-child relationship, expediting permanency, preventing recurrence of maltreatment, and stopping the intergenerational cycle of abuse/neglect/violence.<sup>3</sup>

Using the Miami Child Well-Being Court model and the National ZERO TO THREE organization's Safe Babies Court Teams approach, Florida's Early Childhood Court program began a little more than 4 years ago.<sup>4</sup>

### ***The Miami Child Well-Being Court***

The development of the Miami Child Well-Being Court (CWBC) model began in the early 1990s out of an atypical collaboration that included a judge, a psychologist, and an early interventionist/education expert. The Miami CWBC model evolved over the course of more than a decade and is now widely recognized as one of the country's leading court improvement efforts, with ties to the National Council for Juvenile and Family Court Judges and Office of Juvenile Justice and Delinquency Prevention Model Courts Project.<sup>5</sup>

The Miami CWBC was unique due to the leadership of a judge who insisted that the court process should be informed by the science of early childhood development and who required the court to engage in intensive efforts to heal the child and—if possible—the parent-child relationship. As with the problem-solving approach of drug and mental health courts, such leadership represented a paradigm shift away from the traditional adversarial culture of the court for one in which judges utilize a systems-integration approach to promote

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<sup>1</sup> The most common problem-solving courts in Florida are drug courts, mental health courts, veterans courts and early childhood courts. Florida Courts, Office of Court Improvement, Problem-Solving Courts, available at: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts> (last visited January 14, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> Center for Prevention & Early Intervention Policy, Florida State University, Florida's Early Childhood Court Manual, April 2017, available at: <http://cpeip.fsu.edu/babyCourt/resources/Early%20Childhood%20Court%20Manual%204172015.pdf>. (last visited January 14, 2019).

<sup>4</sup> *Id.*

<sup>5</sup> The Miami Child Well-Being Court Model, Essential Elements and Implementation Guidance, available at: <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/MiamiChild.pdf>. (last visited January 14, 2019).

healing and recovery from trauma in maltreated young children and to break the intergenerational nature of child abuse and neglect.<sup>6,7</sup>

The Miami CWBC galvanized the long-term commitment and shared vision of decision-makers across the judiciary, child welfare, child mental health, and other child- and family-serving systems in Miami-Dade to create meaningful, lasting change for court involved children and their families. The Miami CWBC model is anchored by three essential principles:

- The needs of vulnerable children involved in dependency court will be best served through a problem-solving court approach led by a science informed judge. This approach is realized through a court team that is committed to collaboration in the interest of the child's safety and emotional well-being. In addition to the judge, the court team includes the attorney representing the parent, the attorney for the state, the guardian ad litem (GAL) or court-appointed special advocate (CASA), child's attorney, or both; and the child welfare caseworker.
- Young children exposed to maltreatment and other harmful experiences need evidence-based clinical intervention to restore their sense of safety and trust and ameliorate early emotional and behavioral problems. Such intervention must address the child-caregiver relationship and has the potential to catalyze the parent's insight to address the risks to the child's safety and well-being. The intervention employed in the Miami CWBC is Child-Parent Psychotherapy applied to the context of court-ordered treatment.
- The judicial decision-making process is improved when ongoing assessment of the child-parent relationship, the parent's ability to protect and care for the child, and the child's wellbeing is provided by the treating clinician. This is best accomplished by involving the clinician on the court team to collaborate with the other parties usually involved in court proceedings. This unusual role for the clinician in the court process is actively supported by the judge.<sup>8</sup>

### *Safe Babies Court Teams*

ZERO TO THREE was founded in 1977 as the National Center for Clinical Infant Programs by internationally recognized professionals in the fields of medicine, mental health, social science research, child development and community leadership interested in advancing the healthy development of infants, toddlers, and families. ZERO TO THREE has a history of turning the science of early development into helpful resources, practical tools and responsive policies for millions of parents, professionals, and policymakers. The organization houses a number of programs including Safe Babies Court Teams.<sup>9</sup>

In 2003, in partnership with the National Council of Juvenile and Family Court Judges, Court

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<sup>6</sup> Harvard Law School, Child Advocacy Program, The Miami Child Well Being Court Model, available at: [http://cap.law.harvard.edu/wp-content/uploads/2015/07/22\\_miami-child-well-being-court-model.pdf](http://cap.law.harvard.edu/wp-content/uploads/2015/07/22_miami-child-well-being-court-model.pdf) (last visited January 14, 2019).

<sup>7</sup> In 1994, Dr. Joy Osofsky began developing a similar court in New Orleans, working through an "infant team" of judges, lawyers, therapists and others to provide interventions for abused and neglected babies. They had two goals: to achieve permanency more quickly, although not necessarily reunification, and to prevent further abuse and neglect.

<sup>8</sup> The Miami Child Well-Being Court Model, Essential Elements and Implementation Guidance, available at: <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/MiamiChild.pdf>. (last visited January 14, 2019).

<sup>9</sup> ZERO TO THREE, Our History, available at: <https://www.zerotothree.org/about/our-history> (last visited January 14, 2019).

Teams for Maltreated Infants and Toddlers were conceptualized and in 2005, the first court teams were established in Fort Bend, Texas; Hattiesburg, Mississippi; and Des Moines, Iowa. Currently, the initiative operates in multiple sites around the country.<sup>10</sup>

Based on the Miami Child Well-Being Court and the New Orleans models,<sup>11,12</sup> the Safe Babies Court Teams Project is based on developmental science and aims to:

- Increase awareness among those who work with maltreated infants and toddlers about the negative impact of abuse and neglect on very young children; and,
- Change local systems to improve outcomes and prevent future court involvement in the lives of very young children.<sup>13</sup>

This approach is recognized by the California Evidence-Based Clearinghouse for Child Welfare offsite link as being highly relevant to the child welfare system and demonstrating promising research evidence.<sup>14</sup>

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. These 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.<sup>15</sup>

Measure	# of Children not in ECC	# of Children in ECC
Median number of days from removal to reunification	537	393
Median number of days from removal to adoption	704	537
Median number of days from removal to permanent guardianship	460	361
Re-removal after case closure	3.86%	3.39%

<sup>10</sup> ZERO TO THREE, The Safe Babies Court Team Approach: Championing Children, Encouraging Parents, Engaging Communities, available at: <https://www.zerotothree.org/resources/528-the-safe-babies-court-team-approach-championingchildren-encouraging-parents-engaging-communities>. (last visited January 14, 2019).

<sup>11</sup> ACES Too High, In Safe Babies Courts, 99% of kids don’t suffer more abuse — but less than 1% of U.S. family courts are Safe Babies Courts. February 23, 2015, available at: <https://acestoohigh.com/2015/02/23/in-safe-babies-courts-99-of-kids-dont-suffer-more-abuse-but-less-than-1-of-u-s-family-courts-are-safe-babies-courts/>. (last visited January 14, 2019).

<sup>12</sup> *Id.* Safe Babies Courts differ from the other models by providing community coordinators who work with court personnel to keep the process on track.

<sup>13</sup> ZERO TO THREE, Safe Babies Court Teams, available at <https://www.zerotothree.org/our-work/safe-babies-court-team> (last visited January 14, 2019).

<sup>14</sup> The California Evidence-Based Clearinghouse for Child Welfare, available at: <http://www.cebc4cw.org/program/safe-babies-court-teams-project/> (last visited January 14, 2019).

<sup>15</sup> Florida Courts, Office of Court Improvement, Early Childhood Courts, available at: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Early-Childhood-Courts> (last visited January 14, 2019).

### *Florida Institute for Child Welfare*

In 2014, the Legislature established 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>16</sup> The institute is required to:

- 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 DCF 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>17</sup>

### **III. Effect of Proposed Changes:**

**Section 1** creates s. 39.01304, F.S., related to the creation of an Early Childhood Court (ECC) program that addresses cases involving children most frequently under the age of three and utilizes specialized dockets, multidisciplinary teams, and a nonadversarial approach. The bill provides legislative findings and intent and core components that are required for a court to be considered an early childhood court, and requires:

- The Office of the State Courts Administrator (OSCA) 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.
- OSCA to contract with one or more university based centers with an expertise in infant mental health to hire a statewide clinical consultant.
- The Florida Institute for Child Welfare (FICW), in consultation with other entities, to evaluate the impact of ECC programs on children in the child welfare system, to include an analysis of data collected by OSCA. The institute is also required to submit interim reports in 2020 and 2021 and the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House by October 1, 2022.

**Section 2** provides an effective date of July 1, 2019.

### **IV. Constitutional Issues:**

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>16</sup> Section 1004.615, F.S.

<sup>17</sup> *Id.*

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 will have a fiscal impact on the state. The bill encourages the use of early childhood courts that have specialized staff and support services. There are currently 18 such courts. Each one and any other established after the effective date of the bill would be required to hire a community coordinator. The bill also requires OSCA to contract with one or more university based centers to hire a clinical consultant to support the courts and the Florida Institute for Child Welfare evaluate the early childhood courts. Aside from the existing specialized courts, dependency cases are assigned to circuit court in all 20 judicial circuits. To the extent that these cases are handled by a specialty court, they would no longer be heard in dependency courts and could result in a lower caseload. The Office of State Courts Administrator estimates that requirements under similar legislation considered in the 2018 session would cost:

	FTE	Annual Cost
Court community coordinators and oversight positions	21	\$1,502,268
Clinical consultant and mental health services	1	\$278,000
Evaluation		\$100,000
Total	22	\$1,880,268

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill creates s. 39.01304 of the Florida Statutes.

**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.