

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 43 Child Welfare

**SPONSOR(S):** Health & Human Services Committee, Latvala, Valdes & others

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	13 Y, 0 N	Woodruff	Brazzell
2) Appropriations Committee	29 Y, 0 N	Fontaine	Pridgeon
3) Health & Human Services Committee	15 Y, 0 N, As CS	Woodruff	Calamas

### SUMMARY ANALYSIS

Florida's child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect, and works with those families to address the problems that are endangering children, if possible. The dependency process includes, among other things, a child protective investigation to determine the safety of the child, the court finding the child dependent, the appointment of a Guardian ad Litem to represent the child's best interest, case planning to address the problems resulting in the child's dependency, and reunification with the child's parent or another option to establish permanency, such as adoption.

Jordan Belliveau, Jr., was murdered by his mother in September 2018 when he was two years old. At the time of Jordan's death, the family was under court supervision because a child protective investigation found Jordan to be living in an unsafe home environment that included gang violence and domestic violence. The court had reunified the family and they were receiving post-reunification services. Due to lack of communication to the court, lack of communication between law enforcement and the Department of Children and Families (DCF), and lack of evidence provided by case management regarding the parents' case plan compliance, ongoing family issues that provided an unsafe home environment for Jordan were never addressed.

HB 43 is entitled "Jordan's Law" and addresses some issues that arose in his dependency case.

The bill creates a communication process between DCF and law enforcement by requiring the systems used by both agencies to connect in a way that allows the Florida Department of Law Enforcement (FDLE) to make available to law enforcement agencies information that a person is a parent or caregiver involved in the child welfare system. The bill further requires that if a law enforcement officer interacts with such a person and has concerns for a child's health, safety, or well-being, the officer shall contact the Florida central abuse hotline so the hotline can provide relevant information to individuals involved in the child's case.

The bill amends several statutes to require child welfare professionals and law enforcement officers to receive training on the recognition of, and responses to, head trauma and brain injury in a child under six years of age.

The bill amends the definition of "Guardian ad Litem" to include the Statewide Guardian ad Litem Office and allows the statewide office to have a representative of a domestic violence advocacy group on its training curriculum committee.

The bill amends s. 409.988(3), F.S., to allow DCF and community-based care lead agencies to provide intensive family reunification services that combine child welfare and mental health services for families with dependent children under six years of age.

Finally, the bill amends s. 409.996, F.S., to give DCF discretion to select up to three lead agencies to develop and implement a program to improve case management services for dependent children under six years of age.

The bill has an insignificant negative, nonrecurring fiscal impact to DCF and FDLE. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2020.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

##### **Florida's Child Welfare System**

The child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect and works with those families to address the problems that are endangering children, if possible. If the child welfare system cannot address the problems, the Department of Children and Families (DCF) finds a safe out-of-home placement to protect children.

##### Central Abuse Hotline

DCF operates the Florida central abuse hotline (hotline), which accepts reports 24 hours a day, seven days a week, of known or suspected child abuse, abandonment, or neglect.<sup>1</sup> Current law requires any person who knows or suspects that a child is abused, abandoned, or neglected to report such knowledge or suspicion to the hotline.<sup>2</sup> A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse, abandonment, or neglect.<sup>3</sup> A child protective investigator investigates the situation either immediately or within 24 hours after the report is received, depending on the nature of the allegation.<sup>4</sup>

Current law requires DCF to notify law enforcement immediately when the alleged harm to the victim is the result of suspected "criminal conduct" by the child's parent or caregiver.<sup>5</sup> The term "criminal conduct" includes cases where a child is known or suspected to have died from child abuse or neglect or to be the victim of:

- child abuse or neglect.<sup>6</sup>
- aggravated child abuse.<sup>7</sup>
- sexual battery.<sup>8</sup>
- sexual abuse.<sup>9</sup>
- institutional child abuse or neglect.<sup>10</sup>
- human trafficking.<sup>11</sup>

Upon receiving information about alleged criminal conduct from DCF, the law enforcement agency reviews the information to determine whether the conduct calls for a criminal investigation.<sup>12</sup> If so, the law enforcement agency coordinates its investigative activities with DCF, when feasible.<sup>13</sup>

Other than reporting criminal conduct, current law does not require DCF to share any other information with law enforcement, such as when there is an open child protective investigation or when a family is under judicial supervision after an adjudication of dependency.

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<sup>1</sup> S. 39.201, F.S.

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

<sup>3</sup> *Id.*

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

<sup>5</sup> S. 39.301(2)(a), F.S.

<sup>6</sup> Ss. 827.03(1)(b), 827.03(1)(e), F.S.

<sup>7</sup> S. 827.03(1)(a), F.S.

<sup>8</sup> S. 827.071(1)(f), F.S.

<sup>9</sup> S. 39.01(77), F.S.

<sup>10</sup> Ss. 39.01(37), 39.302(1), F.S.

<sup>11</sup> S. 787.06, F.S.

<sup>12</sup> S. 39.301(2)(c), F.S.

<sup>13</sup> *Id.*

## Dependency Case Process

When DCF removes a child from the home, a series of dependency court proceedings must occur to adjudicate the child dependent for placement in out-of-home care.

DCF must develop and refine a case plan throughout the dependency process with input from all parties to the child's dependency case. The case plan details the problems found during the child protective investigation as well as the goals, tasks, services, and responsibilities required to alleviate the concerns of the state.<sup>14</sup> Case plan services must focus on clearly defined objectives that will improve the conditions in the home and aid in maintaining the child in the home, facilitate the child's safe return to the home, ensure proper care of the child, or facilitate the child's permanent placement.<sup>15</sup> Once a court finds a child dependent, the judge reviews the case plan and orders the child's parent or parents to follow the case plan tasks.<sup>16</sup> The case plan follows the child from the provision of voluntary services through any dependency or termination of parental rights proceeding or related activity.<sup>17</sup>

Once the court approves a case plan, the dependency case continues with judicial review hearings, case plan reviews, custody or placement changes, and permanency planning. The goal is for the dependency court and all parties involved in the child's case to ensure the child remains safe.<sup>18</sup>

In determining the specific permanency goal for the child and whether requirements for its achievement have been met, or if other actions need to be taken to protect the child, the court follows the Rules of Juvenile Procedure<sup>19</sup> and relevant statutes. In addition, the court considers information about the parent's behavior and actions and other relevant details provided by parties to and participants in the case, such as through written reports submitted to the court and witness testimony at hearings.<sup>20</sup>

## Guardian ad Litem Program

The Guardian ad Litem (GAL) Program is a network of volunteer advocates and professional staff representing the best interest of abused, abandoned, and neglected children. The court must appoint a GAL to represent a child as soon as possible in any child abuse, abandonment, or neglect proceeding.<sup>21</sup>

The Statewide GAL Office within the Justice Administrative Commission has oversight responsibilities for and provides technical assistance to all guardian ad litem programs located within the judicial circuits.<sup>22</sup>

## Services for Dependent Children

To serve families and children, DCF contracts for foster care and related services with lead agencies, also known as community-based care organizations (CBCs). The outsourced provision of child welfare services increases local community ownership of service delivery and design.<sup>23</sup> DCF, through the CBCs and other community partners, administers a system of care for children<sup>24</sup> to:

- Prevent children's separation from their families.
- Intervene to allow children to remain safely in their own homes.
- Reunify families who have had children removed from their care, if possible and appropriate.

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<sup>14</sup> Ss. 39.6011, 39.6012, F.S.

<sup>15</sup> S. 39.6012(1)(a), F.S.

<sup>16</sup> S. 39.603, F.S.

<sup>17</sup> S. 39.01(11), F.S.

<sup>18</sup> S. 39.001(1)(a), F.S.

<sup>19</sup> S. 39.013(1), F.S.

<sup>20</sup> For example, a social study report is submitted prior to judicial review hearings and it includes information on the child's placement, the child's safety in the placement, efforts of the parents to comply with case plan tasks, services provided to the foster family or legal custodian to address the child's needs, information on the visitation between the parent and child, and other information related to the child and the parent.

<sup>21</sup> S. 39.822, F.S.

<sup>22</sup> S. 39.8296(2)(b), F.S.

<sup>23</sup> Florida Department of Children and Families, *Community-Based Care*, <http://www.dcf.state.fl.us/service-programs/community-based-care/> (last visited Sept. 30, 2019).

<sup>24</sup> Florida Department of Children and Families, *Office of Child Welfare*, <https://myflfamilies.com/service-programs/child-welfare/> (last visited Sept. 30, 2019).

- Ensure safety and normalcy for children who are separated from their families.
- Enhance the well-being of children through educational stability and timely health care;
- Provide permanency.
- Develop their independence and self-sufficiency.

CBC case managers help parents identify their needs, plan their services, link them to the service systems, coordinate the various system components, monitor services delivery, and evaluate the effect of the services received. Services may include, but are not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption. CBCs contract with subcontractors for case management and direct care services to children and their families. There are 17 CBCs statewide, which together serve the state's 20 judicial circuits.<sup>25</sup>

### *Service Needs of Children Under Six Years of Age*

Children under age six are at a crucial developmental stage in their lives. From birth through five years of age, children develop foundational capabilities on which subsequent development builds.<sup>26</sup> Regions of the brain involved in regulating emotions, language, and abstract thought grow rapidly in the first three years of life.<sup>27</sup> By age three, a child's brain has reached almost 90 percent of its adult size, and the growth in each region of the brain during this time largely depends on the stimulation it receives.<sup>28</sup>

A child's experience with abuse or neglect, or other forms of toxic stress such as domestic violence, can negatively affect brain development.<sup>29</sup> These include changes to the structure and chemical activity (e.g., decreased size or connectivity in some parts of the brain) and in the emotional and behavioral functioning of the child (e.g., over-sensitivity to stressful situations).<sup>30</sup> When the brain develops under negative conditions, children learn to cope in a negative environment, and their ability to respond to nurturing may be impaired.<sup>31</sup>

The effect of abuse or neglect as a child can continue to influence brain development into teenage years as well as adulthood. Some youth who grow up in negative environments as children develop brains that focus on survival, which can lead to impulsive behavior as well as difficulty with tasks that require higher-level thinking and feeling.<sup>32</sup>

Young children are especially vulnerable to abuse and neglect due to their inability to protect themselves. In 2018, 15,458 children entered out-of-home care statewide, and around 56 percent were 0 to 5 years of age. A breakdown based on the age of children entering out-of-home care last year is in the table below.

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<sup>25</sup> Florida Department of Children and Families, *Community Based Care Lead Agency Map*, <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map> (last visited Sept. 30, 2019).

<sup>26</sup> Committee on Integrating the Science of Early Childhood Development, *From Neurons to Neighborhood: The Science of Childhood Development 5* (Jack P. Shonkoff & Deborah A. Philips).

<sup>27</sup> U.S. Department of Health, Administration for Children & Families, Children's Bureau, *Understanding the Effects of Maltreatment on Brain Development*, (April 2015) [https://www.childwelfare.gov/pubpdfs/brain\\_development.pdf](https://www.childwelfare.gov/pubpdfs/brain_development.pdf) (last visited Sept. 30, 2019).

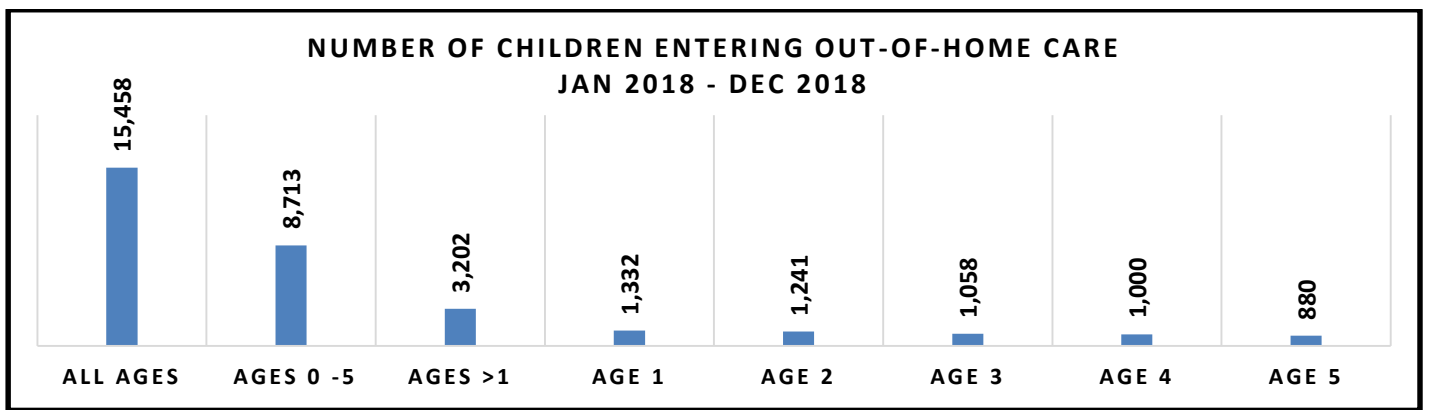
<sup>28</sup> *Id.* at 3.

<sup>29</sup> *Id.* at 5.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 9.



An important predictor of a child’s healthy growth and development is the attachment he or she forms with a consistent caregiver.<sup>33</sup> A secure bond with a caregiver helps children develop healthy attachments, nurture themselves, care for others, and be motivated to learn.<sup>34</sup> Because a young child’s brain is rapidly developing and there is an important need to bond with a consistent caregiver, it is important to quickly remedy issues that contribute to an unsafe home environment so young children can be reunified with their parents, or be placed in an alternative stable placement, in the shortest time possible.

Jordan Belliveau, Jr.

Jordan Belliveau, Jr., was murdered by his mother in September 2018. At the time of Jordan’s death, the family was under court supervision because a child protective investigation found Jordan to be living in an unsafe home environment that included gang violence and domestic violence between his parents. The court had reunified the family and the parents were receiving post-reunification services. DCF first encountered the family in October 2016 when a report to the hotline alleged Jordan was in an unsafe home environment that included gang violence. The court subsequently found Jordan dependent on November 1, 2016, and placed him in foster care after his mother was unable to obtain alternative housing. Case management gave his parents a case plan with tasks including finding stable housing and receiving mental health services and counseling.

Throughout the entirety of Jordan’s case, his mother and father were either non-compliant or only partially compliant with their case plans. Nevertheless, due to lack of communication to the court and lack of evidence provided by case management regarding compliance, the court reunified Jordan with his mother and father.<sup>35</sup> After reunification with his mother, and while still under judicial supervision, domestic violence continued between the parents, with law enforcement arresting Jordan’s father for domestic violence against Jordan’s mother in July 2018. However, because the incident was not immediately reported to the hotline upon arrest, the incident was not reported to the court at a hearing the next day regarding Jordan’s reunification with his father. Three weeks later, the hotline received a report about the arrest, and a child protective investigation began. However, the investigator found Jordan was not *currently* in danger, and therefore, found no need to remove him from the home.<sup>36</sup>

Given the on going and escalating level of violence between the parents, the inability to control the situation in the home, and the risk of harm posed to Jordan should his parents engage in further altercations, the investigator should have identified an unsafe home environment.<sup>37</sup> With no concerns for

<sup>33</sup> Lucy Hudson, et al., *Healing the Youngest Children: Model Court-Community Partnerships* (Mar. 2007), [https://www.americanbar.org/content/dam/aba/administrative/child\\_law/healing\\_young\\_children.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/healing_young_children.pdf).

<sup>34</sup> *Id.*

<sup>35</sup> Florida Department of Children and Families, Special Review of the Case Involving Jordan Belliveau, Jr. (Jan. 11, 2019), <http://www.dcf.state.fl.us/newsroom/docs/Belliveau%20Special%20Review%202018-632408.pdf>.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

Jordan's safety raised after the investigation or during subsequent hearings, there was no consideration of an emergency modification of his placement<sup>38</sup> and Jordan's reunification with his father occurred.<sup>39</sup>

On August 31, 2018, a case manager visited Jordan's parents to discuss several issues regarding lack of cooperation with the Guardian ad Litem and case plan tasks. The case manager emphasized the continued need for Jordan's parents to participate in services or risk losing custody of Jordan. Less than 24 hours after the visit, Jordan's mother reported him missing. Four days later, law enforcement found his body and arrested his mother with aggravated child abuse and first-degree murder after she admitted to killing Jordan by hitting him in a "moment of frustration" which "in turn caused the back of his head to strike an interior wall of her home."<sup>40</sup>

## Training on Head Trauma and Brain Injury in Abused and Neglected Children

### *Head Trauma and Brain Injury in Children*

Abusive head trauma is a leading cause of child abuse deaths in children under five in the United States.<sup>41</sup> Head trauma and injuries can be mild, like a bump or bruise, or they can be more severe, like a concussion or a fractured skull bone, and may include internal bleeding and damage to the brain. A number of actions can cause head trauma and brain injury in children. The most commonly known physical abuse that results in a brain injury is shaken-baby syndrome<sup>42</sup>; however, head trauma and other forms of physical abuse, like hitting or striking a child, can cause brain injuries. Caregiver neglect can also cause brain injuries through inadequate supervision or by providing an unsafe home environment.

Additionally, other forms of abuse that do not involve physical abuse to the head, such as choking or strangling, can damage the brain. Disruption in oxygen to the brain, called hypoxia, can cause long-term disabilities and damage to a child's brain.<sup>43</sup>

### *Training on Head Trauma*

Current law requires training for many professionals who work in the child welfare system. Some of these professions require training upon hire as well as continuing education throughout employment. The chart below details these requirements. Although training for these professionals may include some information on head trauma and brain injury in abused and neglected children, current law does not expressly require training on this topic.

Professional	Training Requirement	Authority
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<sup>38</sup> Any time before a child is living in a permanent placement approved at a permanency hearing, the court may change the child's placement if it is no longer in the child's best interest to remain in that placement. This process is known as an emergency modification of placement because it does not require the court to again find the child dependent based on abuse, abandonment or neglect. See s. 39.522, F.S.

<sup>39</sup> *Supra* note 33.

<sup>40</sup> *Id.*

<sup>41</sup> Spies, EL, Ph.D. and Klevens, J., MD, Ph.D., *Fatal Abusive Head Trauma among Children Aged <5 Years – United States, 1999-2014* (May 27, 2016).

<sup>42</sup> See Tina Joyce, Martin Huecker, *Pediatric Abusive Head Trauma (Shaken Baby Syndrome)*, <https://www.ncbi.nlm.nih.gov/books/NBK499836/> (last visited Feb. 2, 2020).

<sup>43</sup> James E. Lewis, Ph.D., *Neuropsychological Evaluations of Children and Adults in Child Welfare Cases*, <http://centervideo.forest.usf.edu/clsneuropsych/start.html> (last visited Sept. 30, 2019).

<b>Judges</b>	All judges new to the bench are required to complete the Florida Judicial College Program during their first year of judicial service following selection to the bench. <sup>44</sup>  Continuing judicial education is mandatory for all county, circuit, and appellate judges and the Supreme Court justices. The Florida Court Educational Council is required by statute to establish standards for instruction of circuit and county court judges who have responsibility for domestic violence cases.	s. 25.385, F.S.  Fla. R. Jud. Admin. 2.320
<b>Law Enforcement</b>	New hires must successfully complete the Florida Basic Recruit Training Program for the respective discipline or equivalency for out-of-state officers. <sup>45</sup> Child abuse training is currently provided as part of the basic skills training for law enforcement officers.  Officers must complete continuing education every four years. A continuing education class entitled Child Abuse Investigations is a 40-hour advanced training program that can be used for salary incentive, as an elective course for mandatory retraining, or as a Specialized Training Program course.	s. 943.13, F.S. s. 943.135, F.S.
<b>Guardians ad Litem</b>	The Statewide Guardian ad Litem Office has a curriculum committee to develop the training program for Guardian ad Litem staff and volunteers.	s. 39.8296(2), F.S.
<b>Child Protective Investigators and Supervisors</b>	Child protective investigators and supervisors employed by DCF or a sheriff's office must obtain a Florida Child Protective Investigator certification within 12 months of hire.  They must complete specialized training within two years of being hired, which focuses either on servicing a specific population or on performing certain aspects of child protection practice. The specialized training may be used to fulfill continuing education requirements.	s. 402.402(2), F.S.
<b>Children's Legal Services</b>	Attorneys employed by DCF must receive training within the first six months of employment but the training does not address head trauma and brain injuries.	s. 402.402(4), F.S.
<b>Case Managers, Supervisors, Service Providers</b>	CBC providers are required to ensure all individuals providing care for dependent children receive appropriate training.	s. 409.988(1)(f), F.S.

## Information Technology Systems for Child Welfare and Law Enforcement

### *Florida Safe Families Network*

The Florida Safe Families Network (FSFN) is DCF's Statewide Automated Child Welfare Information System. FSFN serves as the statewide electronic case record for all child abuse investigations and case management activities in Florida.

### *Florida Crime Information Center*

The Florida Crime Information Center (FCIC), administered by the Florida Department of Law Enforcement (FDLE), is a state database that houses actionable criminal justice information. When law enforcement encounters an individual, the officer runs the individual's identifying information in FCIC to see if there are any open wants or warrants for their arrest. FDLE's Criminal Justice Information Services (CJIS) is the central repository of criminal history records for the state and provides criminal identification screening to criminal justice and non-criminal justice agencies.<sup>46</sup> The CJIS helps ensure the quality of data available on the FCIC system.

## **Effect of Proposed Changes**

<sup>44</sup> Florida Courts, *Information for New Judges*, <https://www.flcourts.org/Resources-Services/Judiciary-Education/Information-for-New-Judges> (last visited Sept. 30, 2019).

<sup>45</sup> Florida Department of Law Enforcement, *How to Become Employed in Florida*, <http://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Employment-Requirements.aspx> (last visited Sept. 30, 2019).

<sup>46</sup> Florida Department of Law Enforcement, *Criminal Justice Information Services*, <http://www.fdle.state.fl.us/CJIS/CJIS-Home.aspx> (last visited Sept. 30, 2019).

The bill is entitled “Jordan’s Law” and addresses some issues that arose in his dependency case. It creates a communication process between DCF and law enforcement, requires training on head trauma and brain injury in children under six years of age, allows DCF to select lead agencies to develop and implement case management services for dependent children under six years of age, and allows CBCs to provide intensive reunification services to dependent children.

### DCF Communication with Law Enforcement

The bill creates a communication process between DCF and law enforcement agencies. Although DCF and law enforcement agencies currently share information on cases possibly involving criminal conduct for the purpose of facilitating criminal investigations, law enforcement is not informed of individuals involved in the child welfare system for purposes of providing information for dependency cases.

The bill requires the FSFN and FCIC systems to connect in a way to allow FDLE to make available to law enforcement agencies information that a person is involved in the child welfare system in one of two statuses as a parent or caregiver:

- Currently the subject of a child protective investigation, or
- Under judicial supervision after an adjudication of dependency.

The bill further requires a law enforcement officer to contact the hotline if he or she interacts with a parent or caregiver and the officer has concerns about a child’s health, safety, or well-being. The hotline then must provide any relevant information to either a child protective investigator or to the child’s case manager and the attorney representing DCF, depending on who is involved in the child’s case at the time of the report.

### Training

The bill requires training on the recognition of and response to head trauma and brain injury in a child under six years of age. Training on this subject will be required for case managers, Guardian ad Litem staff and volunteers, dependency court judges, child protective investigators, Children’s Legal Services attorneys, and foster parents and group home staff.

Additionally, the bill creates s. 943.17298, F.S., to require training for law enforcement officers on the recognition of and response to head trauma and brain injury in a child under six years of age to aid an officer in the detection of head trauma and brain injury due to child abuse. Each law enforcement officer must complete the training as part of basic recruit training or as part of continuing training or education. The bill requires the training to be available for new law enforcement offices and completed by current officers by July 1, 2022.

Each entity will have flexibility in developing the trainings it provides.

### Guardian ad Litem Program

The bill amends the definition of “Guardian ad Litem” to include the Statewide Guardian ad Litem Office. This change reflects that the circuit Guardian ad Litem programs are under the single statewide entity and will allow the statewide Guardian ad Litem office electronic access to needed records.

The bill also amends s. 39.8296(2)(4)4., F.S., to allow the Statewide Guardian ad Litem Office to have a representative of a domestic violence advocacy group on its training curriculum committee rather than requiring a representative from the Florida Coalition Against Domestic Violence.



## Services for Dependent Children

The bill amends s. 409.996, F.S., to allow DCF to establish a program to improve case management services for dependent children under six years of age by:

- Limiting caseloads comprised only of children under six years of age to no more than 15 children per case manager.
- Including case managers in the program who are trained specifically in:
  - Critical child development for children under six years of age.
  - Specific practices of child care for children under six years of age.
  - The scope of community resources available to children under six years of age.
  - Working with a parent or caregiver and assisting him or her in developing the skills necessary to care for a child under six years of age.
- Requiring DCF to evaluate the permanency, safety, and well-being of children served through the program and submit a report to the Governor, Speaker of the House and Senate President by October 1, 2025.

The bill requires DCF to choose lead agencies in circuits with high removal rates, significant budget deficits, significant case management turnover, and the highest numbers of children in out-of-home care or a significant increase over the last three fiscal years in children in out-of-home care. If DCF chooses to establish such a program, the bill requires DCF to select up to three lead agencies to develop and implement the program.

Further, the bill amends s. 409.988(3), F.S., to allow CBCs to provide intensive family reunification services that combine child welfare and mental health services for families with dependent children under six years of age.

This bill is effective July 1, 2020.

### B. SECTION DIRECTORY:

**Section 1:** Providing a title.

**Section 2:** Amending s. 25.385, F.S., relating to standards for instruction of circuit and county court judges.

**Section 3:** Creating s. 39.0142, F.S.; relating to notifying law enforcement of parent or caregiver names.

**Section 4:** Amending s. 39.820, F.S., relating to definitions.

**Section 5:** Amending s. 39.8296, F.S.; relating to statewide Guardian ad Litem Office; legislative findings and intent; creation; appointment of executive director; duties of office.

**Section 6:** Amending s. 402.402, F.S.; relating to child protection and child welfare personnel; attorneys employed by the department.

**Section 7:** Amending s. 409.988, F.S.; relating to lead agency duties; general provisions.

**Section 8:** Amending s. 409.996, F.S.; relating to duties of the Department of Children and Families.

**Section 9:** Creating s. 943.17298, F.S.; relating to training in the recognition of and response to head trauma and brain injury.

**Section 10:** Providing an effective date of July 1, 2020.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

## 2. Expenditures:

The bill has a negative fiscal impact among multiple entities, which in total is estimated to have nonrecurring training costs of \$44,955 and technology costs of approximately \$565,000. Other areas affected by the bill have costs that are indeterminate, as the costs depend on the means of implementation.

### *Training*

- DCF estimates a nonrecurring cost of \$35,000 to develop the training established in the bill. This includes the cost of research, front-end analysis to further define scope, subject matter experts, and the design and development of materials. These costs can be absorbed within existing resources.<sup>47</sup>
- The Guardian ad Litem program can incorporate the changes of its training curriculum within existing resources.<sup>48</sup>
- FDLE estimates a cost of approximately \$9,955 to develop the required training curricula, which is based upon the need for curriculum development workshops and OPS staffing to develop the training. The department can utilize existing appropriations for these costs.<sup>49</sup>
- The CBC's will be required to ensure that individuals providing care for dependent children receive training on the recognition of and response to head trauma and brain injury. However, they may be able to use or adapt training developed by DCF or available from other entities at low or no cost.

### *Technology*

- FDLE estimates a technology cost of \$45,000 to incorporate child welfare training into its current system.<sup>50</sup> The department indicates this cost can be absorbed within existing resources, although doing so may require the reprioritization of existing staff and resources.
- FDLE suggest developing a web-based interface between FSFN and FCIC for a cost of \$300,000, and notes these programming modifications may take two years to complete. Initial costs can be absorbed within available resources.<sup>51</sup> The FDLE can submit a legislative budget request for future needs should a comprehensive analysis indicate necessity.
- DCF estimates a nonrecurring need of between \$160,000 and \$270,000 for the development of a technology solution that interfaces FSFN and FCIC.<sup>52</sup> Based upon a review of budgetary reversions of technology appropriations, there exist sufficient resources for these costs.

### *Staffing*

- DCF has indicated that the bill could have an indeterminate workload impact on the central abuse hotline's Crime Intelligence Unit due to additional calls from law enforcement and by requiring additional criminal records checks.<sup>53</sup>

### *Case Management Project*

Should DCF elect to create a program that provides more effective case management for dependent children under six years of age, the CBCs selected for this program would work in collaboration with DCF to develop and implement the program in their respective circuits. The bill provides flexibility in how the program is implemented, and the cost to develop the program depends on its design. For example, the program design may involve hiring additional case management staff. In 2018, the annual mean wage estimates in Florida for a Child, Family and School Social Worker was \$42,640, and for a Community and Social Service Specialist was \$40,050.<sup>54</sup> At least five staff members would be needed

<sup>47</sup> Florida Department of Children and Families, Agency Analysis of 2020 House Bill 43, p. 6 (Aug. 20, 2019).

<sup>48</sup> Florida Guardian ad Litem, Agency Analysis of 2020 House Bill 43, p. 2 (Aug. 29, 2019).

<sup>49</sup> Florida Department of Law Enforcement, Agency Analysis of 2020 House Bill 43, p. 5 (Aug. 26, 2019).

<sup>50</sup> *Id.* at 4.

<sup>51</sup> *Id.*

<sup>52</sup> *Supra* note 45 at 7.

<sup>53</sup> *Supra* note 45.

<sup>54</sup> Bureau of Labor Statistics, Occupational Employment Statistics, [https://www.bls.gov/oes/current/oes\\_fl.htm](https://www.bls.gov/oes/current/oes_fl.htm) (last visited Sept. 30, 2019).

to serve 75 children if caseloads are at the bill's target level of no more than 15 children. In this scenario, additional staffing resources would cost each CBC an estimated \$200,000 (five additional case managers x \$40,000 mean salary).

**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:

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

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Rulemaking is not necessary to implement the bill's provisions.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On February 6, 2020, the Health and Human Services Committee adopted an amendment that:

- Amends the definition of "Guardian ad Litem" to include the Statewide Guardian ad Litem Office.
- Allows the Statewide Guardian ad Litem Office to have a representative of a domestic violence advocacy group on its training curriculum committee rather than requiring a representative from the Florida Coalition Against Domestic Violence.

The bill was reported favorably as a committee substitute.

The analysis is drafted to the committee substitute as passed by the Health and Human Services Committee.