

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1011 Task Force on the Monitoring of Children in Out-of-Home Care

SPONSOR(S): Williams

TIED BILLS: **IDEN./SIM. BILLS:** SB 1358

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	17 Y, 0 N	Woodruff	Brazzell
2) Justice Appropriations Subcommittee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

Chapter 39, F.S., creates the dependency system charged with protecting child welfare. Florida's dependency system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. The Department of Children and Families (DCF) and community-based care lead agencies (CBC's) work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.

The 2002 disappearance of Rilya Wilson raised national awareness of the problem of children becoming missing while under the care of child welfare agencies. Since then, Florida has enacted legislation and implemented policies intended to improve tracking of children in state care. Current law outlines reporting requirements when the whereabouts of a child involved with DCF becomes unknown and provides specific rulemaking authority for reporting, locating, recovering, and stabilizing such children and for preventing recurrence of such incidents.

HB 1011 creates the Task Force on the Monitoring of Children in Out-of-Home Care within the Florida Department of Law Enforcement (FDLE). The task force must identify and counter the root causes of why children go missing while in out-of-home care and ensure prompt and effective action is taken to address such causes. The bill requires the task force to examine and recommend improvements to current policies, procedures, programs, and initiatives to prevent children from going missing while in out-of-home care and to ensure that timely and comprehensive steps are taken to find children who are missing for any reason, including, but not limited to, running away, human trafficking, and abduction by or absconding with a parent or an individual who does not have care or custody of the child.

The task force must be composed of 13 members, including, but not limited to, a representative from the Senate, the House of Representatives, DCF, FDLE, the Guardian ad Litem program, Safe Kids Florida within the Department of Health, and CBC's.

The bill requires DCF to submit monthly reports to the task force to assist it in fulfilling its duties. Additionally, the bill requires the Florida Institute for Child Welfare to conduct focus groups with current and former foster youth to consider why children seek to leave their placements and how to prevent children from leaving.

The bill requires the task force to submit its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2023.

The bill includes a repeal date for the section creating the task force on June 30, 2024, unless reviewed and saved from repeal by the Legislature.

The bill has an indeterminate, but likely negative, nonrecurring fiscal impact on FDLE and no fiscal impact on local governments.

The bill has an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

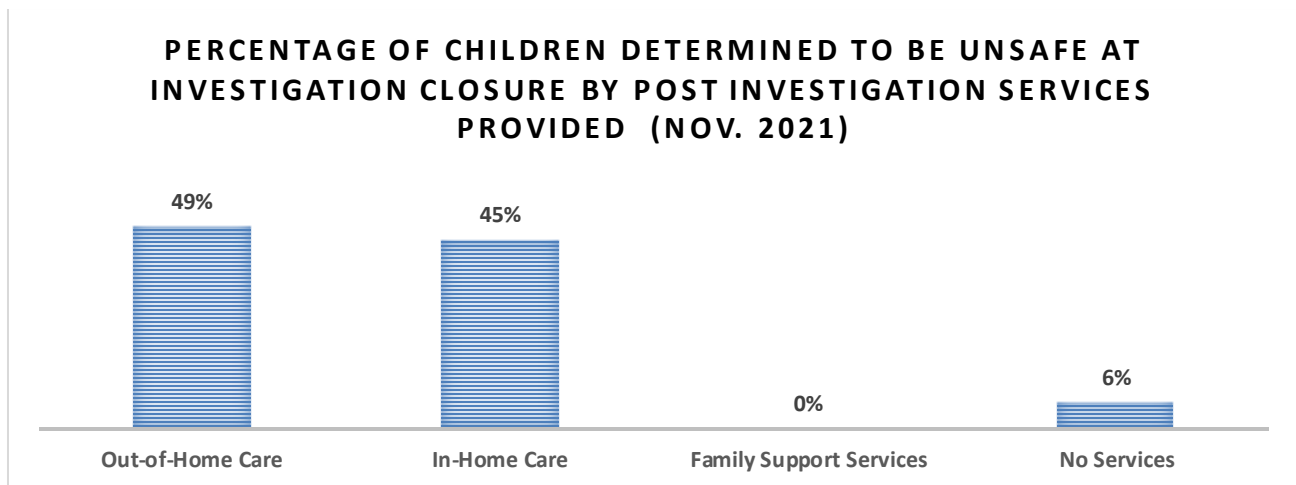
A. EFFECT OF PROPOSED CHANGES:

Background

Florida's Child Welfare System

Chapter 39, F.S., creates the dependency system charged with protecting child welfare. Florida's dependency system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. The Department of Children and Families (DCF) and community-based care lead agencies (CBC's) work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.

DCF's practice model is based on the safety of the child within the home by using in-home services, such as parenting coaching and counseling, to maintain and strengthen that child's natural supports in his or her environment. The graph below shows the responses for children determined to be unsafe, depicting the percentage of such children placed in out-of-home placements, receiving services in the home or through family support services, which are offered to families on a voluntary basis, and receiving no services.¹



DCF contracts for case management, out-of-home services, and related services with CBC's. The outsourced provision of child welfare services is intended to increase local community ownership of service delivery and design. CBC's contract with a number of subcontractors for case management and direct care services to children and their families. There are 17 CBC's statewide, which together serve the state's 20 judicial circuits.

DCF directly performs a number of child welfare functions, including operating the central abuse hotline, conducting child protective investigations, and providing children's legal services.² Ultimately, DCF is responsible for program oversight and the overall performance of the child welfare system.³

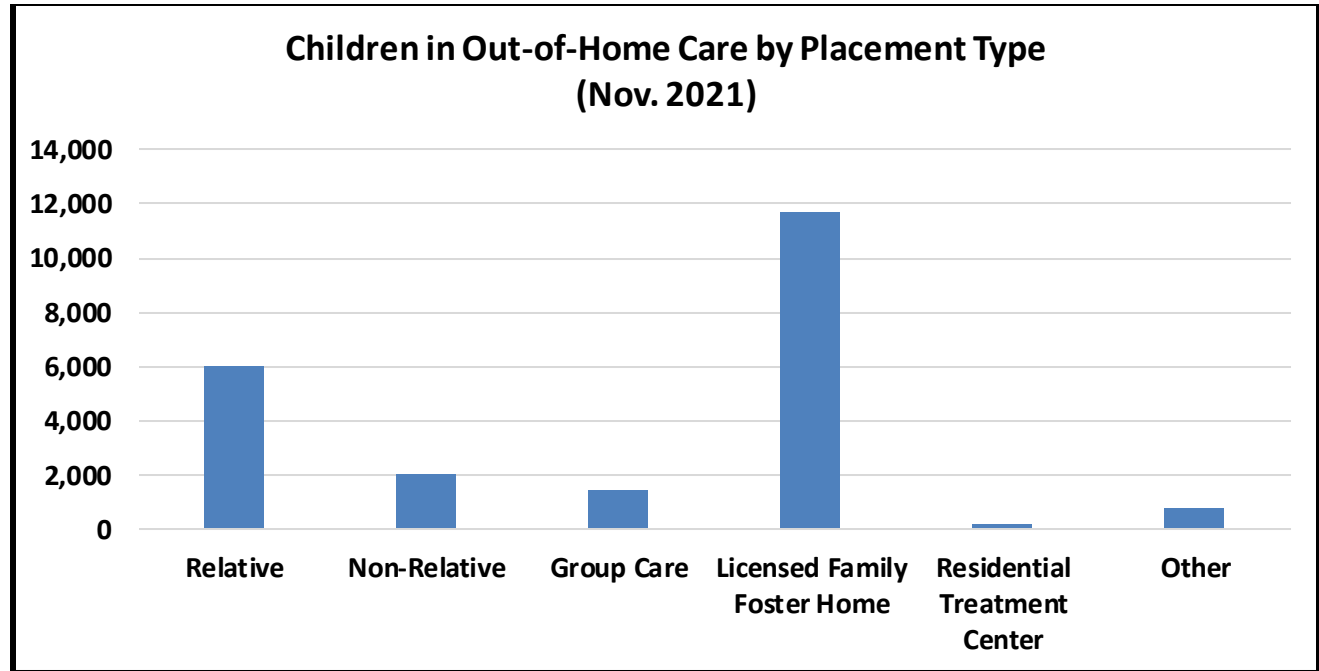
¹ Florida Department of Children and Families, Child Welfare Dashboard, *Post Investigation Services that Align with Safety Determination – Statewide*, (Dec. 10, 2021), <https://www.myflfamilies.com/programs/childwelfare/dashboard/post-investigation-services.shtml> (last visited Jan. 10, 2022).

² OPPAGA, report 06-50.

³ *Id.*

Out-of-Home Care

When children cannot safely remain at home with parents, Florida's child welfare system finds safe out-of-home placements for such children. After an assessment to determine the most appropriate out-of-home placement, a child may be placed with a relative, fictive kin, licensed foster parent, in a group home or residential setting.⁴ While in out-of-home care, the child and his or her parents receive services to address problems that led to the removal so that reunification or other permanency option may be reached as quickly as possible.⁵ The graph below shows the number of children in out-of-home care by placement type for the last 24 months, as of November 2021.⁶



Missing Children in DCF's Custody

The 2002 disappearance of Rilya Wilson⁷ raised national awareness of the problem of children becoming missing while under the care of child welfare agencies. Since then, Florida has enacted legislation and implemented policies to better monitor the location of children in state care.⁸

In the wake of Rilya Wilson's disappearance, at the direction of Governor Jeb Bush, DCF and the Florida Department of Law Enforcement (FDLE) teamed up to locate 393 missing children who were under DCF's custody.⁹ The multi-agency, statewide effort was entitled "Operation SafeKids" (Operation). Seven Regional Child Location Strike Forces were created in each of FDLE's seven regions. The results of the Operation included:

⁴ R. 65C-28.004, F.A.C.

⁵ Child Welfare Information Gateway, *Out-of-Home Care Overview*, <https://www.childwelfare.gov/topics/outofhome/overview/#:~:text=Out%2Dof%2Dhome%20care%20is,to%20abuse%20and%2For%20neglect>. (last visited Jan. 14, 2022).

⁶ Florida Department of Children and Families, Child Welfare Dashboard, Children in Out-of-Home Placements by Placement Type, <https://www.myflfamilies.com/service-programs/child-welfare/placement.shtml#1> (last visited Jan. 10, 2022).

⁷ Four-year old Rilya Wilson went missing while in DCF's custody after the termination of her mother's parental rights. DCF did not discover her disappearance until two years later, when Rilya was not found living at the home of her caregiver. The Florida Legislature passed, and the Governor signed, a bill into law that created the Rilya Wilson Act. Section 39.604, F.S., requires a child from birth to the age of school entry, who is under court-ordered protective supervision or in out-of-home care and is enrolled in an early education or child care program, to attend the program 5 days a week unless the court grants an exemption.

⁸ Florida Senate, The Committee on Children, Families, and Elder Affairs, *Missing Children*, Interim Project Report 2008-106 (Oct. 2007) <https://www.flsenate.gov/UserContent/Committees/Publications/InterimWorkProgram/2008/pdf/2008-106cf.pdf> (last visited Jan. 14, 2022).

⁹ Florida Department of Law Enforcement and Florida Department of Children and Families, *Operation SafeKids, Results, Findings & Recommendations* (Dec. 17, 2002), https://popcenter.asu.edu/sites/default/files/problems/runaways/PDFs/FL%20DOC&F_2002.pdf.

- 292 (75%) children were located or cases were closed.
- 13 (3%) children aged out of care and were no longer under the custody of DCF but still had active cases with law enforcement.
- 88 (22%) children were not located and remained under active investigation by the local law enforcement agency and DCF. Of these, 20 were included in the Endangered/Parental Abduction/Involuntary group, and 68 were included in the Runaway group.¹⁰

The table below includes the results of the Operation as of December 2002.

Original 393 Missing Children (Dec. 10, 2002)¹¹				
Category	Missing at Start	Located	Emancipated (case open with law enforcement)	Still missing (case open with DCF and law enforcement)
Parental	31	21	0	10
Involuntary	4	0	0	4
Endangered	19	13	0	6
Runaway	339	258	13	68
TOTAL	393	292	13	88

The children still classified as missing remained as active investigations with local law enforcement and DCF.¹² The final report on the Operation included a variety a reasons children had not been located including:

- Children hiding, as evidenced by those children who made non-traceable telephone contact with their case managers or non-custodial parent, advising of their well-being but indicating they will not disclose their whereabouts until reaching the age of 18.¹³
- Parents fearing arrest or termination of their parental rights.¹⁴

In addition to locating missing children, the Operation was required to implement standard procedures for opening missing person cases for every child discovered to be missing while in DCF's custody.

In 2008, Florida made additional changes to statute through HB 7077 which¹⁵:

- Gave DCF rule-making authority for addressing missing children. The law directed DCF to promulgate rules to provide comprehensive, explicit and consistent guidelines for its employees and contracted providers.
- Required DCF and its contracted providers to report a child as missing to the appropriate law enforcement agency, after making reasonable but unsuccessful efforts to locate the child and determining that it is necessary to report the child as missing.
- Specified that a law enforcement agency must take reports of missing children not only from parents and guardians but also from DCF and its contracted providers.

DCF requires caregivers, legal guardians, and child welfare professionals to immediately report a child missing to law enforcement when the child:

- Is under the age of 13.
- Has a physical or mental incapacity, or a developmental or behavioral challenge that renders the situation more dangerous than it would be for a child with more maturity or resources.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Chapter 2008-245, L.O.F.
STORAGE NAME: h1011a.CFS
DATE: 1/18/2022

- Is with others who may endanger his or her safety.
- Is missing under circumstances inconsistent with established behaviors.¹⁶

In all other situations, a report to law enforcement may be made at least four hours from the time the child is first discovered missing to actively search for and attempt to locate the child.¹⁷ After notifying law enforcement, the caregiver or legal guardian must immediately notify child welfare professionals that the child's whereabouts are unknown. Child welfare professionals must make efforts to locate the child at least once a week until the child is located, reaches 18, or the child protective investigator has obtained sufficient information to close the investigation.¹⁸

After DCF makes an initial missing child report to the appropriate local law enforcement agency, the law enforcement agency then enters the case into the Florida Crime Information Center (FCIC). This entry ensures all law enforcement and criminal justice professionals nationwide are notified of the Florida missing child. Additionally, DCF creates a record about the missing child in its case management system, Florida Safe Families Network (FSFN), as described below.¹⁹

A DCF liaison co-located within FDLE's Missing Endangered Persons Information Clearinghouse (MEPIC) quality controls the information in FSFN using internal DCF information and the missing child's FCIC entry. This information is electronically transferred from the DCF liaison to members of MEPIC, who facilitate its entry into MEPIC's Missing Persons Database (MPDB). In addition to populating a variety of Florida systems and access points to the information, MPDB also electronically transfers the information regarding the child to the National Center for Missing and Exploited Children (NCMEC).²⁰

Florida law allows DCF and the law enforcement agency primarily responsible for investigating the incident to release information to the public when it believes the release of the information is likely to assist efforts in locating the child or to promote the safety or well-being of the child.²¹

Collection of Information

FSFN is the state's comprehensive, automated case management system that helps social workers manage foster care and adoption cases.²² FSFN serves as the statewide electronic case record for all child abuse investigations and case management activities in Florida. FSFN also captures information on missing children who are in the custody of DCF.²³ This information includes:

- When the child ran, if the child is missing due to running away.
- Location from where the child ran, if the child is missing due to running away.
- The child's characteristics.
- The child's picture.
- The police report number.
- Any information on a companion or abductor.
- A narrative of events or valuable information on occurrences before a child's disappearance.

FSFN activates an alert when a child is missing and captures the history of all missing child episodes entered into FSFN.²⁴

Measures Regarding Children in the Child Welfare System Who Are Missing

DCF publishes a monthly key indicators report on the overall performance of the child welfare system. The monthly report includes information on the average number of children categorized as missing while

¹⁶ R. 65C-30.019(1)(a), F.A.C.

¹⁷ R. 65C-30.019(1)(b), F.A.C.

¹⁸ R. 65C-30.019(5), F.A.C.

¹⁹ Florida Department of Law Enforcement, *2021 FDLE Agency Bill Analysis for HB 1425*, (Mar. 10, 2021).

²⁰ *Id.*

²¹ S. 39.202(4), F.S.

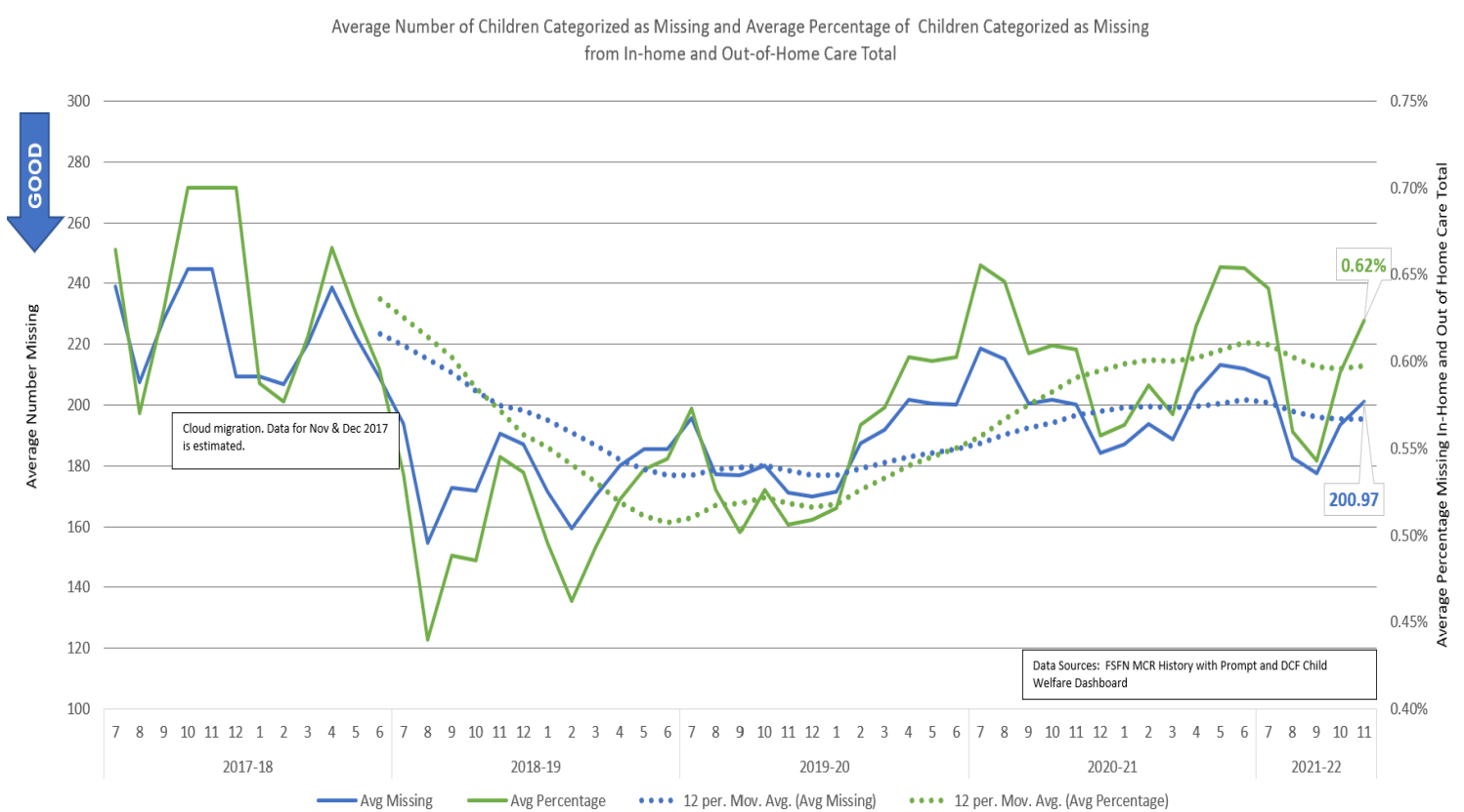
²² 65C-38.001, F.A.C.

²³ Florida Department of Children and Families, *2021 Agency Bill Analysis for HB 1425* (March 12, 2021).

²⁴ *Id.*

in DCF's care, the timeliness of reports of missing children entered into FSFN, and whether missing child entries in FSFN were resolved within 3 days.²⁵

In November 2021, there were 200 children reported as missing from DCF's care.²⁶ The following graph shows the trend of reported missing children from SFY 2016-17 to mid-SFY 2021-22.



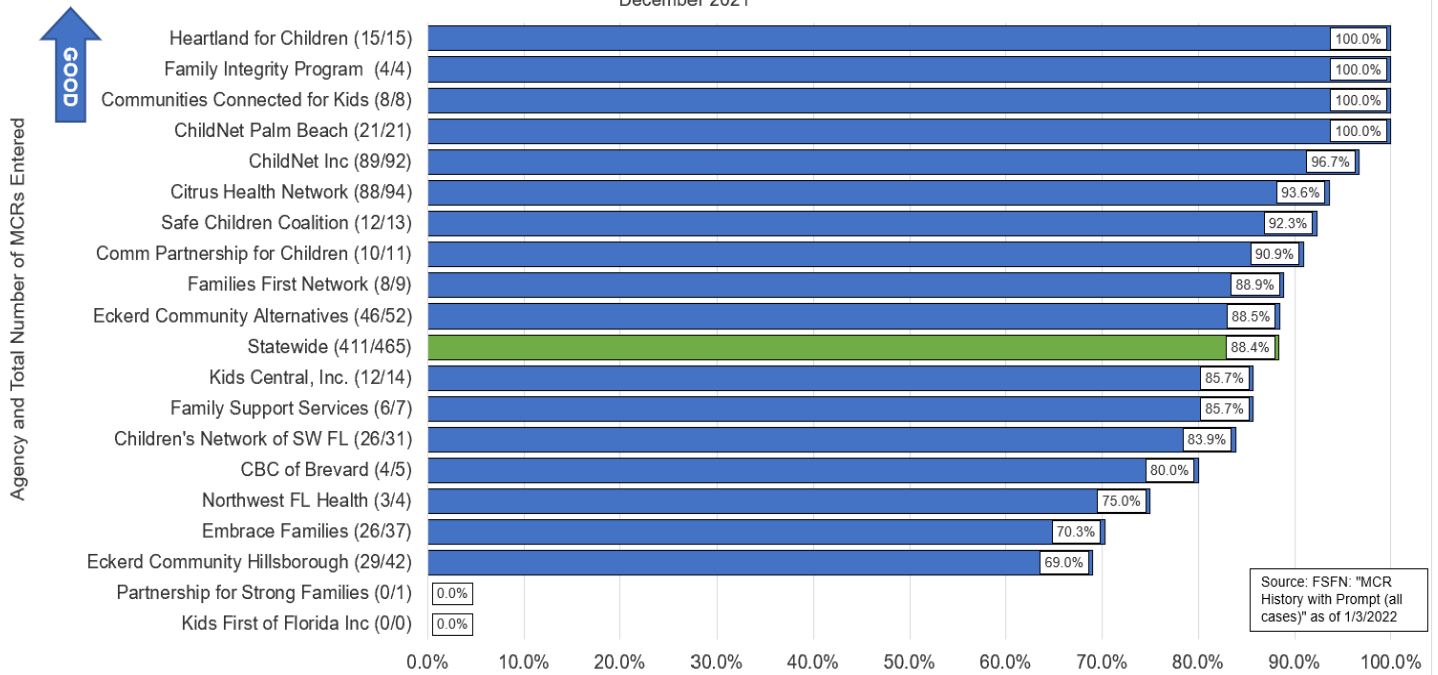
The following graph provides information of the timeliness of reports entered into FSFN on missing children by CBC for December 2021.²⁷

²⁵ Florida Department of Children and Families, *Child Welfare Key Indicators Monthly Report* (Dec. 2021), http://www.centerforchildwelfare.org/ga/cwkeyindicator/KI_Monthly_Report_Dec%202021.pdf.

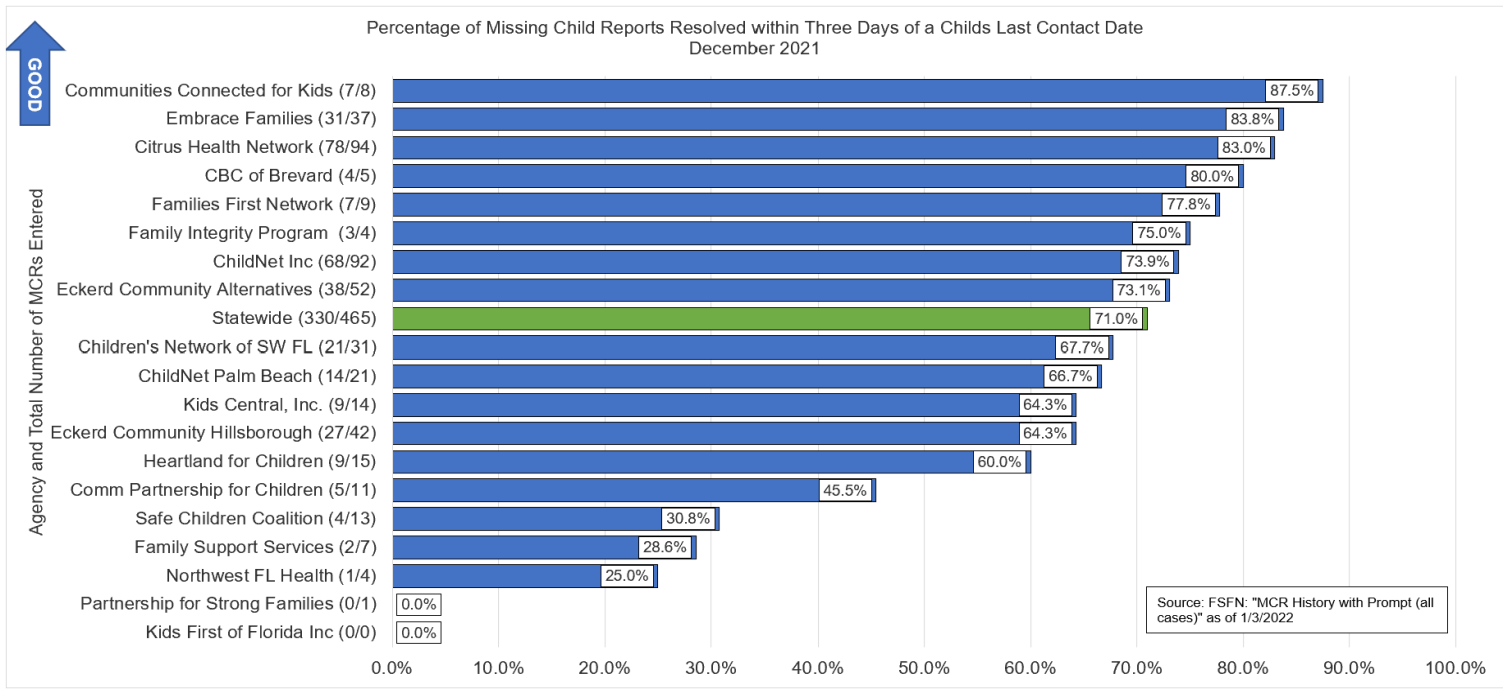
²⁶ *Id.* at pg. 57.

²⁷ *Id.*

Percentage of Missing Child Reports Entered into FSFN within One Working Day of a CBC Receiving Notification that a Child was Missing December 2021



The graph below provides the percentage of missing child entries in FSFN that were resolved within 3 days by CBC for December 2021.²⁸



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 Legislature created the FICW to provide research and evaluation that contributes to a more sustainable, accountable, and effective child welfare system. 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.²⁹ Current law requires the FICW to establish an affiliate network of public and private universities with accredited degrees in social work. All public universities with such programs in Florida are currently part of the network. In 2017, the FICW expanded its affiliate network to include research affiliates, and there are now over 50 research faculty affiliates.

The FICW is statutorily mandated to:

- Maintain a program of research contributing to the scientific knowledge related to child safety, permanency, and child and family well-being.
- Advise DCF and other organizations about scientific evidence regarding child welfare practice, as well as management practices and administrative processes.
- Assess performance of child welfare services based on specified outcome measures.
- Evaluate training requirements for the child welfare workforce and the effectiveness of training.
- Develop a program of training and consulting to assist organizations with employee retention.
- Identify and communicate effective policies and promising practices.
- Recommend improvements in the state's child welfare system.
- Submit annual reports to the Governor and Legislature.

The FICW sponsors and supports interdisciplinary research projects and program evaluation initiatives that contribute to knowledge relevant to enhancing Florida's child welfare outcomes.

Task Forces, Councils, and Commissions

Section 20.03, F.S., includes definitions related to organizational structure. It defines a "task force" as an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.³⁰

Florida has established a number of task forces in the past related to child welfare. These have typically been created either by the Governor or DCF's Secretary in response to a tragic incident involving a child under DCF's custody. Examples of these include, in part:

- The Nubia Report, the Investigative Panel's Findings and Recommendations, 2011.³¹
- Family Safety Quality Assurance Review of Courtney Alisa Clark, Initial Findings, 2007.³²
- Report of Gabriel Myers Work Group on Child-on-Child Sexual Abuse, 2010.³³
- Governor's Blue Ribbon Panel on Child Protection, 2003 (Rilya Wilson).³⁴

There is currently no task force that monitors children in out-of-home care.

Effect of Proposed Changes

HB 1011 creates the Task Force on the Monitoring of Children in Out-of-Home Care within FDLE. The task force is created to identify and counter the root causes of why children go missing while in out-of-

²⁹ S. 1004.615, F.S.

³⁰ S. 20.30(8), F.S.

³¹ Lawrence, D., Martinez, R., and Sewell, J., *The Nubia Report, The Investigative Panel's Findings and Recommendations*, <http://centerforchildwelfare.org/kb/bppub/NubiasStory.pdf>

³² Florida Department of Children and Families, *Family Safety Quality Assurance Review of Courtney Alisa Clark, Initial Findings*, <http://centerforchildwelfare.org/kb/FIPerformance/cclark%20QA%20Initial%20Findings.pdf>

³³ Florida Department of Children and Families, *Report of Gabriel Myers Work Group on Child-on-Child Sexual Abuse*, <https://www.myflfamilies.com/initiatives/GMWWorkgroup/docs/Gabriel%20Myers%20COC%20Report%20May%2014%202010.pdf>

³⁴ Florida Department of Children and Families, *Governor's Blue Ribbon Panel on Child Protection*, <http://centerforchildwelfare.org/kb/FIPerformance/BlueRibbonFinal110703.pdf>

home care and to ensure prompt and effective action is taken to address such causes. The bill requires the task force to examine and recommend improvements to current policies, procedures, programs, and initiatives to prevent children from going missing while in out-of-home care and to ensure that timely and comprehensive steps are taken to find children who are missing for any reason, including, but not limited to, running away, human trafficking, and abduction by a parent or a person who does not have care or custody of the child.

The task force must be composed of the following 13 members:

- A member of the Senate, appointed by the President of the Senate.
- A member of the House of Representatives, appointed by the Speaker of the House of Representatives.
- The Secretary of DCF, or designee.
- The Secretary of the Department of Juvenile Justice, or designee.
- The executive director of the Statewide Guardian ad Litem Office, or designee.
- The executive director of FDLE, or designee.
- A representative from Safe Kids Florida, appointed by the State Surgeon General.
- A representative from the Statewide Council on Human Trafficking, appointed by the Attorney General.
- A representative from a CBC that delivers child welfare services in a rural county, appointed by DCF's Secretary.
- A representative from a CBC that delivers child welfare services in an urban county, appointed by DCF's Secretary.
- A licensed foster parent, appointed by DCF's Secretary.
- A representative from a residential group care provider, appointed by DCF's Secretary.
- A young adult who aged out of the foster care system, appointed by DCF's Secretary.

The bill requires appointments by August 1, 2022. Each member serves at the pleasure of the appointing official, and a vacancy on the task force must be filled in the same manner as the original appointment. The members must elect a chair from among the members.

The bill requires the task force to convene no later than September 1, 2022, and to meet monthly thereafter or upon call of the chair. The bill allows meetings to be held through teleconference or other electronic means.

The bill requires the task force to:

- Analyze statistical data regarding children in out-of-home care who are missing and the reasons why, if known.
- Identify the root causes of why children go missing while in out-of-home care and how to prevent children from going missing while in out-of-home care.
- Assess the relationship between children who go missing from out-of-home care and the risks of such children becoming victims of human trafficking.
- Assess the comprehensiveness and effectiveness of existing policies and procedures for preventing children in out-of-home care from going missing, for promptly determining whether such children are missing, and for locating such children.
- Evaluate the state's approaches to reporting on the individual status of children missing from out-of-home care and the results of the efforts to locate such children, including, but not limited to, the use of technology, training, communication, and cooperation.
- Measure the overall performance of efforts to locate and recover children missing from out-of-home care, including, but not limited to, the communication and response between CBC's, DCF, and other entities.
- Collaborate with the FICW to identify best practices used in other states for monitoring the location of children in out-of-home care who go missing, and evaluate whether such practices should be adopted in the state.

- Submit recommendations to improve policies, procedures, and systems in the state, including, but not limited to, technology, training, communication, and cooperation, so all entities are effectively monitoring children in out-of-home care, responding appropriately when such children go missing, and preventing such children from going missing while in out-of-home care.

The bill requires FICW to conduct focus groups with children in out-of-home care and young adults who aged out of the foster care system to assist the task force in fulfilling its duties. The focus groups must, at a minimum, consider the reasons why such children seek to leave their out-of-home placement, identify opportunities and resources to assist and prevent children from leaving their placements, and to facilitate the return of such missing children. The bill requires the FICW to submit the findings from the focus groups to the task force by April 1, 2023.

The bill requires DCF to provide monthly reports to the task force until October 1, 2023. The monthly reports must, at a minimum, address the number and percentage of children in out-of-home care who have been reported missing, the reasons why such children are missing, if known, and the length of time between when such children are reported missing and their recovery or return. The monthly reports must categorize the required data by age, county, CBC, and reason, if known.

The task force must submit a report with its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2023.

The bill includes a repeal date for the section creating the task force on June 30, 2024, unless reviewed and saved from repeal by the Legislature.

The bill provides an effective date of July 1, 2022.

B. SECTION DIRECTORY:

Section 1: Creating s. 39.4093, F.S., relating to the Task Force on the Monitoring of Children in Out-of-Home Care.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

There is an indeterminate, but likely negative, nonrecurring fiscal impact on FDLE to provide administrative and staff support related to the functions of the task force.

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. The bill does not appear to effect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require rulemaking to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES