

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 Governmental Oversight and Accountability

BILL: CS/SB 664

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Burgess

SUBJECT: Contracts Entered into by the Department of Children and Families

DATE: March 21, 2023 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|----------------|-----------|--------------------|
| 1. | <u>Tuszynski</u> | <u>Cox</u> | <u>CF</u> | Fav/CS |
| 2. | <u>McVaney</u> | <u>McVaney</u> | <u>GO</u> | Pre-meeting |
| 3. | _____ | _____ | <u>RC</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 664 expands the contract requirements of the Department of Children and Families under s. 409.996, F.S., requiring a lead agency to annually provide and publish operating procedures detailing timelines and procedures to maximize the use of concurrent planning, minimize the time to complete preliminary and final adoptive home studies, and streamline data entry into the statewide child welfare information system.

The bill also requires a lead agency to complete the child specific information section of the unified home study, excluding information related to any prospective caregiver, no later than 90 days after the filing of a petition for termination of parental rights.

The bill will likely have an indeterminate but insignificant fiscal impact on the private sector. The bill is not expected to have an impact on state or local government revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

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 problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children. Out-of-home placements can include a temporary placement with a family member, a family foster home, or a residential child-caring agency, or a permanent adoptive placement with a family previously unknown to the child.¹

Community-Based Care Organizations and Services

The DCF contracts for case management, out-of-home care (foster care), adoption, and other related services with lead agencies, also known as community-based care organizations (CBCs). The CBC model is designed to increase local community ownership of service delivery and design of child welfare services.²

The DCF, through the CBCs, administers a system of care³ for children that is directed toward:

- Prevention of separation of children from their families;
- Intervention to allow children to remain safely in their own homes;
- Reunification of families who have had children removed from their care;
- Safety for children who are separated from their families;
- Promoting the well-being of children through emphasis on educational stability and timely health care;
- Permanency; and
- Transition to independence and self-sufficiency.⁴

The CBCs must give priority to services that are evidence-based and trauma informed.⁵ The CBCs contract with a number of 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.⁶ The CBCs employ case managers that serve as the primary link between the child welfare system and families with children under the DCF's supervision. These case managers work with affected families to ensure that a child reaches his or her permanency goal in a timely fashion.⁷

¹ Section 409.175, F.S.

² The Department of Children and Families, *About Community-Based Care*, available at <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/about-community-based-care> (last visited February 27, 2023) (hereinafter cited as "DCF").

³ *Id.*

⁴ *Id.*; Also see generally s. 409.988, F.S.

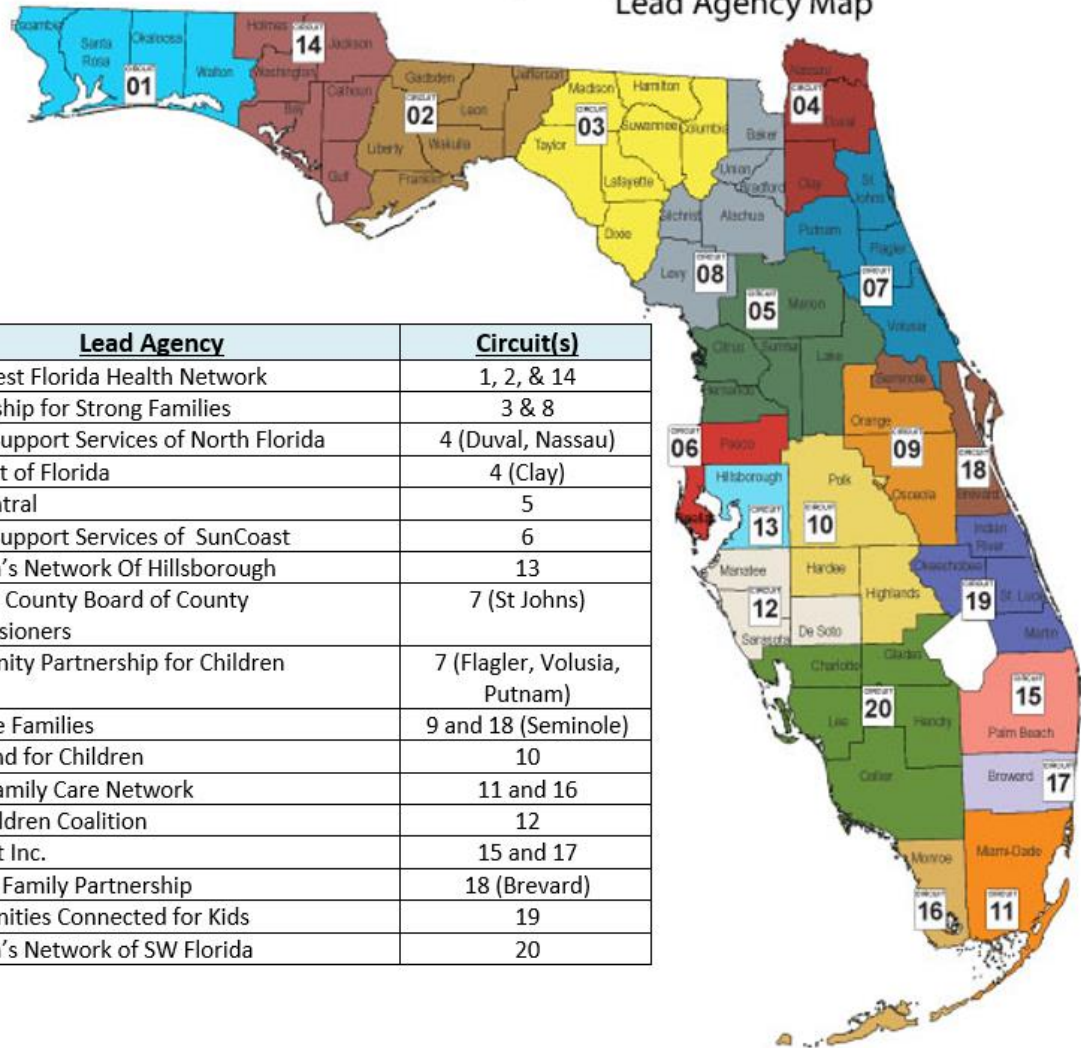
⁵ Section 409.988(3), F.S.

⁶ The DCF, *Lead Agency Information*, available at <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/lead-agency-information> (last visited February 27, 2023).

⁷ Section 409.988(1), F.S.

The DCF contracts with the following lead agencies as illustrated in the table and map below:

Community-Based Care Lead Agency Map



| <u>Lead Agency</u> | <u>Circuit(s)</u> |
|---|------------------------------|
| Northwest Florida Health Network | 1, 2, & 14 |
| Partnership for Strong Families | 3 & 8 |
| Family Support Services of North Florida | 4 (Duval, Nassau) |
| Kids First of Florida | 4 (Clay) |
| Kids Central | 5 |
| Family Support Services of SunCoast | 6 |
| Children's Network Of Hillsborough | 13 |
| St Johns County Board of County Commissioners | 7 (St Johns) |
| Community Partnership for Children | 7 (Flagler, Volusia, Putnam) |
| Embrace Families | 9 and 18 (Seminole) |
| Heartland for Children | 10 |
| Citrus Family Care Network | 11 and 16 |
| Safe Children Coalition | 12 |
| ChildNet Inc. | 15 and 17 |
| Brevard Family Partnership | 18 (Brevard) |
| Communities Connected for Kids | 19 |
| Children's Network of SW Florida | 20 |

Dependency Process

Current law requires any person who knows or suspects that a child has been abused, abandoned, or neglected to report such knowledge or suspicion to the Florida's central abuse hotline (hotline), including incidents of domestic violence.⁸ A child protective investigation begins if the

⁸ Section 39.201(1), F.S.

hotline determines the allegations meet the statutory definition of abuse,⁹ abandonment,¹⁰ or neglect.¹¹ 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.¹²

After conducting an investigation, if the child protective investigator determines that the child is in need of protection and supervision that necessitates removal, the investigator may initiate formal proceedings to remove the child from his or her home. When the DCF removes a child from the home, a series of dependency court proceedings must occur before a child may be adjudicated dependent.¹³ The dependency court process is summarized in the table below.

The Dependency Court Process

| Dependency Proceeding | Description of Process | Controlling Statute |
|--|---|---------------------|
| Removal | A child protective investigation determines a child is unsafe in his or her home and the child is removed. | s. 39.401, F.S. |
| Shelter Hearing | A shelter hearing occurs within 24 hours after removal. The judge determines whether to keep the child out-of-home. | s. 39.401, F.S. |
| Petition for Dependency | A petition for dependency occurs within 21 days of the shelter hearing. This petition seeks to find the child dependent. | s. 39.501, F.S. |
| Arraignment Hearing and Shelter Review | An arraignment and shelter review occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement. | s. 39.506, F.S. |
| Adjudicatory Trial | An adjudicatory trial is held within 30 days of arraignment. The judge determines whether a child is dependent during trial. | s. 39.507, F.S. |

⁹ Section 39.01(2), F.S. The term “abuse” means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

¹⁰ Section 39.01(1), F.S. The term “abandoned” or “abandonment” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

¹¹ Sections 39.01(50) and 39.201(2)(a), F.S. “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering necessary services.

¹² Section 39.101(2), F.S.

¹³ See s. 39.01(14), F.S., for the definition of “child who is found to be dependent.”

| Dependency Proceeding | Description of Process | Controlling Statute |
|---|--|---|
| Disposition Hearing | If the child is found dependent, disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews the case plan and placement of the child. The judge orders the case plan for the family and the appropriate placement of the child. | s. 39.506, F.S. s. 39.521, F.S. |
| Post-disposition hearing | The court may change temporary placement at a post disposition hearing any time after disposition but before the child is residing in the permanent placement approved at a permanency hearing. | s. 39.522, F.S. |
| Judicial Review Hearings | The court must review the case plan and placement every 6 months, or upon motion of a party. | s. 39.701, F.S. |
| Petition for Termination of Parental Rights | Once the child has been out-of-home for 12 months, if DCF determines that reunification is no longer a viable goal, termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed. | s. 39.802, F.S. s. 39.8055, F.S. s. 39.806, F.S. s. 39.810, F.S. |
| Advisory Hearing | This hearing is set as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights. | s. 39.808, F.S. |
| Adjudicatory Hearing | An adjudicatory trial shall be set within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial. | s. 39.809, F.S. |

In-Home and Out-of-Home Care

The DCF is required to administer a system of care that endeavors to keep children with their families and provides interventions to allow children to remain safely in their own homes.¹⁴ Protective investigators and CBC case managers can refer families for in-home services to allow children who would otherwise be unsafe to remain in their own homes.

When a child protective investigator determines that in-home services are not enough to allow a child to safely remain in his or her home, the investigator removes and places the child with a safe and appropriate temporary placement.¹⁵ These temporary placements, referred to as out-of-home care, provide housing and services to children until they can return home to their families or achieve permanency with other families through adoption or guardianship.¹⁶

The CBCs must place all children in out-of-home care in the most appropriate available setting after conducting an assessment using child-specific factors.¹⁷ Legislative intent is to place

¹⁴ See s. 39.001, F.S.

¹⁵ Sections 39.401 through 39.4022, F.S.

¹⁶ The Office of Program Policy and Government Accountability, *Program Summary*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=5053> (last visited February 28, 2023).

¹⁷ Rule 65C-28.004, F.A.C., provides that the child-specific factors include age, sex, sibling status, physical, educational, emotional, and developmental needs, maltreatment, community ties, and school placement.

children in a family-like environment when they are removed from their homes.¹⁸ When possible, child protective investigators and lead agency case managers place children with relatives or responsible adults whom they know and with whom they have a relationship. These out-of-home placements are referred to as relative and non-relative caregivers or “fictive kin”. When a relative or non-relative caregiver placement is not possible, case managers try to place children in family foster homes licensed by the DCF.

Some children have extraordinary needs, such as multiple placement disruptions, behavioral health problems, juvenile justice involvement, or disabilities, which may require case managers to place them in residential group care. The primary purpose of residential group care is to provide a setting that addresses the unique needs of children and youth who require more intensive services than a family setting can provide.¹⁹

Case Plan Development

The DCF must develop and draft a case plan for each child receiving services within the dependency system.²⁰ The purpose of a case plan is to develop a document that details the permanency goal and services designed to achieve that goal by addressing the identified problems within the family unit.²¹

The services detailed in a case plan must be designed to 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.²² The services offered must be the least intrusive possible into the life of the parent and child and must provide the most efficient path to quick reunification or permanent placement.²³ A case plan must be developed face to face with the parents; guardian ad litem; and, in some cases, the child and temporary custodian of the child.²⁴

A case plan must include:

- A description of the identified problem being addressed;
- The permanency goal;
- If concurrent planning is being used, a goal of reunification and an additional permanency plan;
- The date the case plan expires; and
- Written notice to the parents’ responsibility to comply with the case plan.²⁵

A case plan can be changed at any time to implement the use of concurrent planning.²⁶

¹⁸ Section 39.001(1), F.S.

¹⁹ See generally The Children’s Bureau, Child Welfare Information Gateway, *Group and Residential Care*, available at <https://www.childwelfare.gov/topics/outofhome/group-residential-care/> (last visited March 3, 2023).

²⁰ Section 39.6011(1), F.S.

²¹ See s. 39.6012(1)(b), F.S.

²² S. 39.6012(1)(a), F.S.

²³ *Id.*

²⁴ S. 39.6011(1)(a), F.S.

²⁵ S. 39.6011(2), F.S.

²⁶ Section 39.6013, F.S.

Permanency

An overarching goal of the child welfare system is to ensure that permanent placement with the biological or an adoptive family is achieved as soon as possible for every child and that no child remains in out-of-home care longer than one year²⁷ because time is of the essence for establishing permanency for a child in the child welfare system.²⁸ Because time is of the essence, a permanency hearing must be held no later than 12 months after the date the child was removed from his or her home, or 30 days if a court determines that efforts for reunification are not required.²⁹ During a permanency hearing the court must determine:

- If the current permanency plan is appropriate;
- A timeline of when the child will achieve his or her permanency goal;
- If DCF has made reasonable efforts to finalize the current case plan; and
- The best interest of the child.³⁰

The court is required to review the status of a child at least every six months or more frequently if the court deems necessary or desirable until the child reaches permanency.³¹

Concurrent Planning

In the event reunification does not appear likely or another permanency option is in the best interest of the child, a concurrent plan may be established.³² Concurrent planning is a type of permanency planning in which reunification services are provided to the family of the child at the same time that an alternative permanency plan is made for the child, in case those reunification efforts fail.³³ These secondary goals could be any of the following:

- Adoption;
- Permanent Guardianship;³⁴
- Permanent placement with a fit and willing relative;³⁵ or
- Placement in another planned permanent living arrangement.^{36, 37}

To be effective, concurrent planning requires not only the identification of an alternative plan but also the implementation of active efforts toward both plans simultaneously with the full knowledge of all participants. Compared with more traditional sequential planning for permanency, in which one permanency goal is ruled out before an alternative goal is identified, concurrent planning may provide earlier permanency for the child.³⁸ Current law requires an

²⁷ Section 39.001, F.S.

²⁸ Sections 39.0136 and 39.621, F.S.

²⁹ Section 39.621(1), F.S.

³⁰ Section 39.621(5), F.S.

³¹ Section 39.701(1)(a), F.S.

³² Section 39.6011(2)(c), F.S.

³³ The Children's Bureau, *Concurrent Planning for Timely Permanency for Children*, p. 1, August 2021, available at <https://www.childwelfare.gov/pubPDFs/concurrent.pdf> (last visited February 27, 2023) (hereinafter cited as "Concurrent Planning").

³⁴ Under s. 39.6221, F.S.

³⁵ Under s. 39.6231, F.S.

³⁶ Under s. 39.6241, F.S.

³⁷ Section 39.01(18), F.S.

³⁸ Concurrent Planning at p. 1

assessment of the family when the child has been in care for 6 months, and a concurrent plan must be developed if, at that time, reunification seems unlikely.³⁹

Unified Home Study

The unified home study (UHS) is an assessment of a common set of requirements that must be met before the DCF can place a child into someone's home, whether a relative/nonrelative placement, foster home, or adoptive home.⁴⁰ The UHS has many requirements, but the two main components are the child-specific information and the assessment of caregiver(s).⁴¹ The child specific information section of the UHS is to assess the needs of the child, including sibling attachments, medical and emotional needs, and placement history and stability to better match that child with a caregiver that can care for and protect that child.

The assessment of caregiver(s) section of the UHS examines the needs of the child and the caregiver(s) capacity to meet those needs, including any health and mental conditions that could interfere with the ability to care for the child and the willingness to:

- Participate in and team to support the permanency of the child's well-being;
- Encourage the child in his or her strengths;
- Maintain awareness of the impact of trauma;
- Ensure safety;
- Make a loving commitment to the child's safety and well-being; and
- Respect the child's culture, religion, and ethnicity.⁴²

This comprehensive assessment creates an ongoing overview of the child's current and past situation and assists a lead agency in identifying the best caregiver for a child quickly.

Concurrent Planning and Unified Home Studies

The effective use of concurrent planning and the UHS can reduce the time to permanency for a child in out-of-home care. This is achieved by making active efforts toward the primary and alternate goals simultaneously rather than only identifying an alternate permanency goal. The time to permanency may shorten by completing all of the child-specific requirements of a UHS as an active effort toward an alternative goal of adoption. This will place case management one step closer to finalizing an adoptive home study after a petition for the termination of parental rights has been filed.⁴³

Child Welfare Information System

The DCF uses a centralized child welfare information system known as Florida Safe Families Network (FSFN) and is in the middle of a multi-year project to transition from old federal guidelines that required a Statewide Automated Child Welfare System (SACWIS) to new federal

³⁹ Section 39.701(5), F.S.

⁴⁰ The Department of Children and Families CFOP, 170-1 ch. 5, 5-1, available at https://www.myflfamilies.com/sites/default/files/2022-12/cfop_170-01_chapter_05_completing_a_unified_home_study.pdf (last visited February 28, 2023) (hereinafter cited as "DCF CFOP").

⁴¹ DCF CFOP 170-1 ch. 5, 5-4g. and j.

⁴² DCF CFOP 170-1 ch. 5, 5-4j.

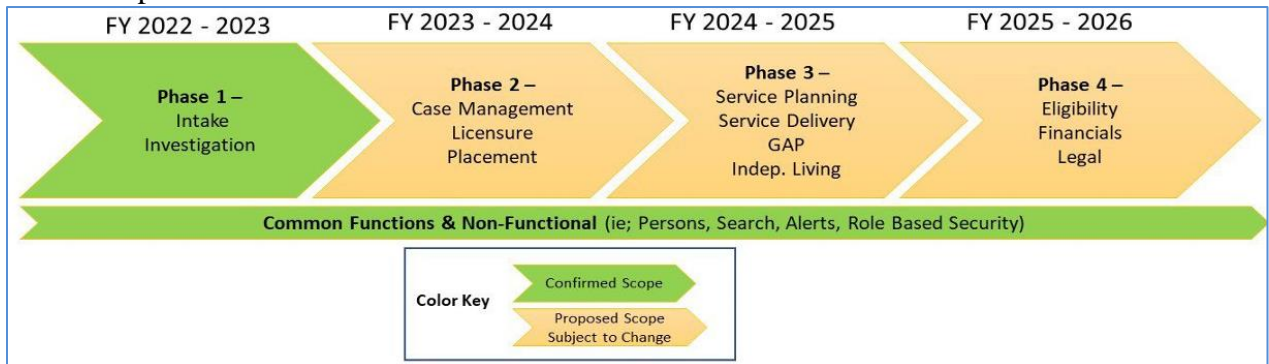
⁴³ Concurrent Planning

guidelines that require a Comprehensive Child Welfare Information System (CCWIS).⁴⁴ This transition will modernize and enhance the data capabilities of the DCF. Currently, interoperability between the state system and CBCs is difficult and expensive to maintain. The modernization will allow bidirectional interoperability between the DCF and the CBCs as well as the ability to generate richer and more helpful data reports and analytics.

The DCF has reported the following current activities and milestones on CCWIS modernization:⁴⁵

| Key Activity/Milestone | Date Due | Status |
|--|-------------------|-------------|
| PMO Director Onboarded | October 1, 2022 | Completed |
| IV&V Vendor Onboarded | October 11, 2022 | Completed |
| Systems Integrator Vendor Onboarded | December 31, 2022 | Completed |
| Staffing Plan Submitted by Advisory Service Team | December 31, 2022 | Completed |
| IV&V initial interviews conducted | January 10, 2023 | Completed |
| Formal Kick-Off Session with Project Team | January 23, 2023 | Completed |
| User Stories Completed | February 17, 2023 | In Progress |
| Functional Discovery Sessions Held | February 20, 2023 | In Progress |

Future scope of activities include:⁴⁶



III. Effect of Proposed Changes:

The bill expands the contract requirements of the Department of Children and Families under s. 409.996, F.S., requiring a lead agency to annually provide and publish operating procedures detailing timelines and procedures to maximize the use of concurrent planning, minimize the

⁴⁴ The Children’s Bureau, *CCWIS Status*, available at <https://www.acf.hhs.gov/cb/training-technical-assistance/ccwis-status> (last visited February 27, 2023)

⁴⁵ The DCF, *CCWIS Modernization Project Update*, PowerPoint Presentation by Cole Sousa, Chief Information Officer, Meeting of the Senate Appropriations Committee on Health and Human Services on February 16, 2023, p. 29, available at https://www.flsenate.gov/Committees/Show/AHS/MeetingPacket/5666/10109_MeetingPacket_5666_2.pdf (last visited March 3, 2023).

⁴⁶ *Id.* at p. 30.

time to complete preliminary and final adoptive home studies, and streamline data entry into the statewide child welfare information system.

The bill also requires a lead agency to complete the child specific information section of the unified home study, excluding information related to any prospective caregiver, no later than 90 days after the filing of a petition for termination of parental rights.

The bill is effective July 1, 2023

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will likely have an indeterminate fiscal impact on the private sector as the lead agency must change operations, increase support, or increase contract amounts for the requirement to complete preliminary and final adoptive home studies no later than 90 days of the filing of a petition for the termination of parental rights. It is likely that a lead agency can absorb this impact within current operating budgets.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 409.996 of the Florida Statutes.

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 Children, Families, and Elder Affairs on March 6, 2023:

The committee substitute:

- Requires a community-based care lead agency (CBC) to publish operating procedures, rather than just develop a plan, for certain timelines and procedures.
- Clarifies that a CBC must only complete certain portions of the child-specific information section in the unified home study within 90 days of the filing of the termination of parental rights.

- B. Amendments:

None.