

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 757 Contracts Entered into by the Department of Children and Families

SPONSOR(S): Children, Families & Seniors Subcommittee, Altman and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 664

FINAL HOUSE FLOOR ACTION: 116 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/HB 757 passed the House on May 3, 2023, as CS/SB 664.

The Department of Children and Families (DCF) is responsible for providing child welfare and support services in accordance with federal and state law. DCF contracts for the delivery, administration, and management of care for child welfare services on a regional basis with community-based care lead agencies (CBC's). CBCs provide foster care and related services, including, but not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption.

Case managers working for CBC's develop case plans approved by the court that specify a dependent child's permanency goal or goals. These plans may use concurrent planning, which involves establishing a permanency goal in a case plan that uses reasonable efforts to reunify the child with the parent, while at the same time establishing another goal such as adoption or permanent guardianship. CBC case managers also request adoptive home studies and enter data into the child welfare system regarding those home studies and other requirements that must be met for a child's adoption to occur.

The bill amends s. 409.996(1), F.S., adding new requirements for CBC contracts. CBC's must annually provide written and published operating procedures that detail timelines and procedures to maximize the use of concurrent case planning, minimize the time to complete preliminary and final adoptive home studies, streamline data entry into the statewide child welfare information system, and reduce time to permanency. In addition, CBC's must gather all necessary information to complete the child-specific section of the unified home study, excluding information related to any prospective caregiver, and enter such data into the child welfare information system of record no later than 90 days after the filing of the petition for termination of parental rights.

The bill has no fiscal impact on state or local government.

The bill was approved by the Governor on June 2, 2023, ch. 2023-178, L.O.F., and will become effective on July 1, 2023.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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.

The child welfare system includes the following key elements:

- A report to the central abuse hotline.
- A child protective investigation to determine the safety of the child.
- The court finding the child dependent, if the child is determined to need such protection.
- Case planning to address the problems resulting in the child's dependency.
- Reunification with the child's parent or another option to establish permanency, such as adoption.

Community-Based Care Organizations and Services

DCF is responsible for providing child welfare and support services in accordance with federal and state law.¹ Current law requires DCF to contract for the delivery, administration, and management of care for child welfare services with regional community-based care lead agencies (CBC's). Services provided under these contracts include case management, out-of-home services, and related services.² The outsourced provision of child welfare services is intended to increase local community ownership of service delivery and design. Ultimately, DCF is responsible for program oversight and the overall performance of the child welfare system.³ CBCs contract with a number of subcontractors for case management and direct care services to children and their families.⁴ DCF has 17 CBC contracts, which together serve the state's 20 judicial circuits.⁵

DCF typically enters into 5-year contracts with CBCs.⁶ There are minimum requirements with which CBC's must comply to be eligible to contract with DCF, including:

- Being organized as a Florida corporation or a governmental entity.⁷
- Having a board of directors or board committee with authority to approve the CBC's budget and hire a CBC executive director.⁸
- Demonstrating financial responsibility by having a plan for regular fiscal audits and securing a performance bond.⁹

DCF must ensure contracts with CBCs:

¹ S. 409.996, F.S.

² S. 409.986(3)(d), F.S.

³ *Supra* note 1.

⁴ S. 409.988(1)(j), F.S.

⁵ Florida Department of Children and Families, *Lead Agency Information*, <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/lead-agency-information> (last visited Mar. 13, 2021).

⁶ S. 409.987(3), F.S.

⁷ S. 409.987(4)(a), F.S.

⁸ S. 409.987(4)(b), F.S.

⁹ S. 409.987(4)(c), F.S.

- Provide for the services as required under s. 409.988, F.S.¹⁰
- Require CBC's to specify how they will carry out certain child welfare best practices.¹¹
- Provide relevant information to DCF related to the quality assurance program and the child welfare results-oriented accountability system.¹²
- Include tiered interventions and graduated penalties for failure to comply with the contract or performance deficiencies.¹³
- Require CBCs to provide current and accurate information about their activities related to case records in the statewide automated child welfare information system.¹⁴
- Specify the procedures to resolve differences in interpreting the contract or to resolve a disagreement amongst the parties regarding compliance with the contract.¹⁵

CBCs are obligated to perform a variety of duties. CBC's must:

- Serve the children who are referred as a result of abuse, neglect, or abandonment reports to DCF's central abuse hotline.
- Provide DCF with accurate and timely information necessary for oversight by DCF pursuant to the child welfare results-oriented accountability system.
- Follow financial guidelines developed by DCF and provide for regular independent audits.
- Post its current budget, including the salaries, bonuses and other compensation paid to the agency's chief executive officer, chief financial officer, and chief operating officer, or their equivalents, on the CBC's website.
- Prepare and file all necessary court documents and attend dependency court proceedings.
- Ensure all individuals providing care to dependent children receive training and specified information and meet employment requirements.
- Maintain eligibility to receive all available federal child welfare funds.
- Maintain written agreements with Healthy Families Florida entities in its service area.
- Comply with federal and state statutory requirements and agency rules in the provision of contractual rules.
- Use authority to subcontract for the provision of services provided CBCs contribute to services and meet specified criteria.
- Post information regarding case management services on its website.¹⁶

¹⁰ S. 409.996(1)(a), F.S.

¹¹ S. 409.996(1)(b), F.S.

¹² S. 409.996(1)(c), F.S.

¹³ S. 409.996(1)(d), F.S.

¹⁴ S. 409.996(1)(e), F.S.

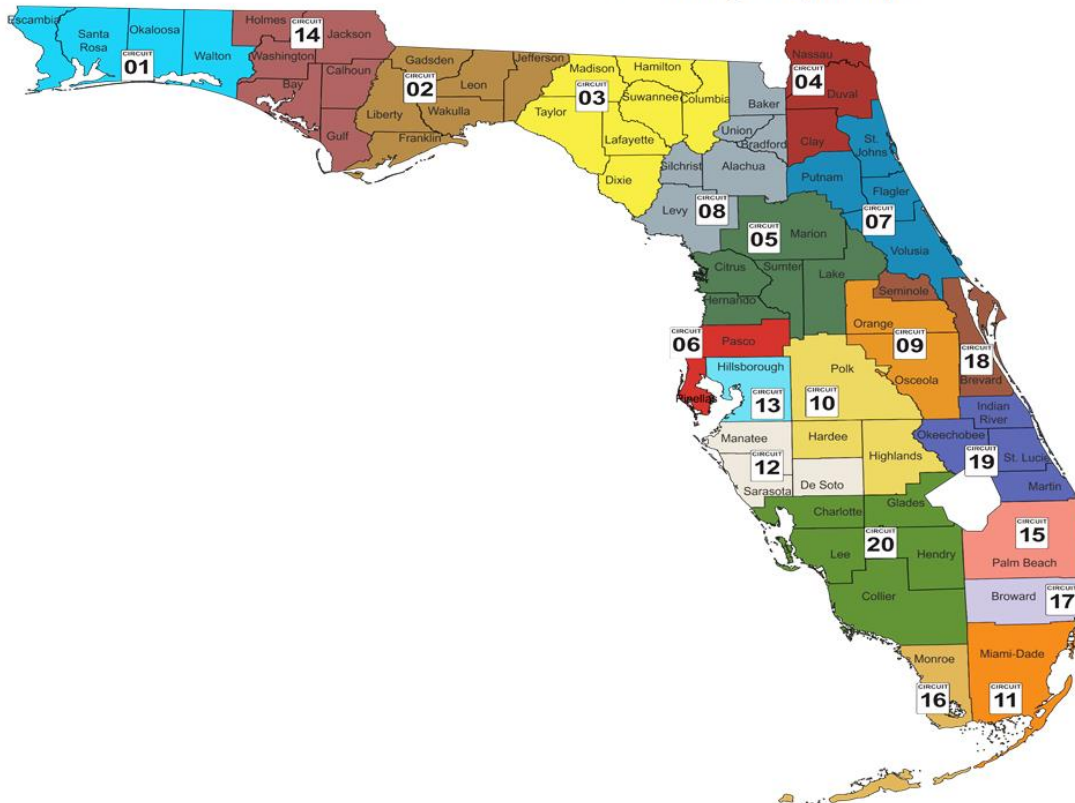
¹⁵ S. 409.996(1)(f), F.S.

¹⁶ S. 409.988(1), F.S. Further, s. 409.988(1)(k), F.S., provides that CBCs and subcontracted case management providers must disclose the average caseload of case managers for filled positions, the turnover rate for case managers and their supervisors for the previous 12 months, the percentage of required home visits completed, and performance on outcome measures required under s. 409.997, F.S., for the previous 12 months.

DCF contracts with the following CBCs as illustrated in the table and map below:¹⁷

Lead Agency	Judicial Circuit(s)
Northwest Florida Health Network	1
Northwest Florida Health Network	2 & 14
Partnership for Strong Families	3 & 8
Family Support Services of North Florida, Inc.	4 (Duval and Nassau)
Kids First of Florida, Inc.	4 (Clay)
Kids Central, Inc.	5
Family Support Services of SunCoast	6 (Pasco and Pinellas)
St Johns County Board of County Commissioners	7 (St Johns)
Community Partnership for Children, Inc.	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
Children's Network of Hillsborough	13
ChildNet Inc.	15 and 17
Brevard Family Partnership	18 (Brevard)
Communities Connected for Kids	19
Children's Network of SW Florida	20

Community-Based Care Lead Agency Map



Permanency

¹⁷ *Supra* note 5.

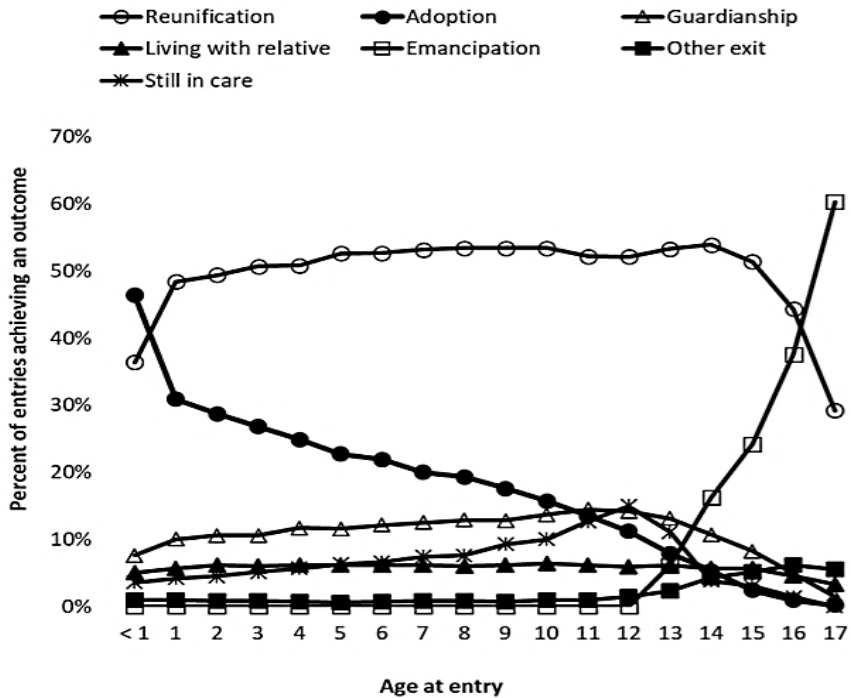
When children are placed in out-of-home care, child welfare agencies must find safe, permanent homes for them as quickly as possible. In most cases, children are reunified with their families. When reunification is not possible DCF seeks to place children in permanent homes with relatives or adoptive families. Florida law requires a permanency hearing no later than 12 months after the child was removed from the home or within 30 days after a court determines that reasonable efforts to return the child to either parent are not required, whichever occurs first.¹⁸ The purpose of the permanency hearing is for the court to determine when the child will achieve permanency or whether modifying the permanency goal is in the child's best interest.¹⁹ A permanency hearing must be held at least every 12 months for any child who continues to be supervised by DCF or awaits adoption.²⁰

The permanency goals under Florida law, listed in order of preference are:

- Reunification;
- Adoption, if a petition for termination of parental rights has been or will be filed;
- Permanent guardianship under s. 39.6221, F.S.;
- Permanent placement with a fit and willing relative under 39.6231, F.S.; or
- Placement in another planned permanent living arrangement under s. 39.6241, F.S.²¹

Permanency Outcomes by Age of Entry

The federal Department of Health and Human Services analyzed national permanency outcomes for children in the foster care system using state reported data.²² The following graph describes the outcomes of children exiting care by age at entry.



The graph demonstrates the following outcomes.

- Reunification is the most likely outcome for children who enter care between ages 1 and 16.

¹⁸ S. 39.621(1), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ S. 39.621(3), F.S.

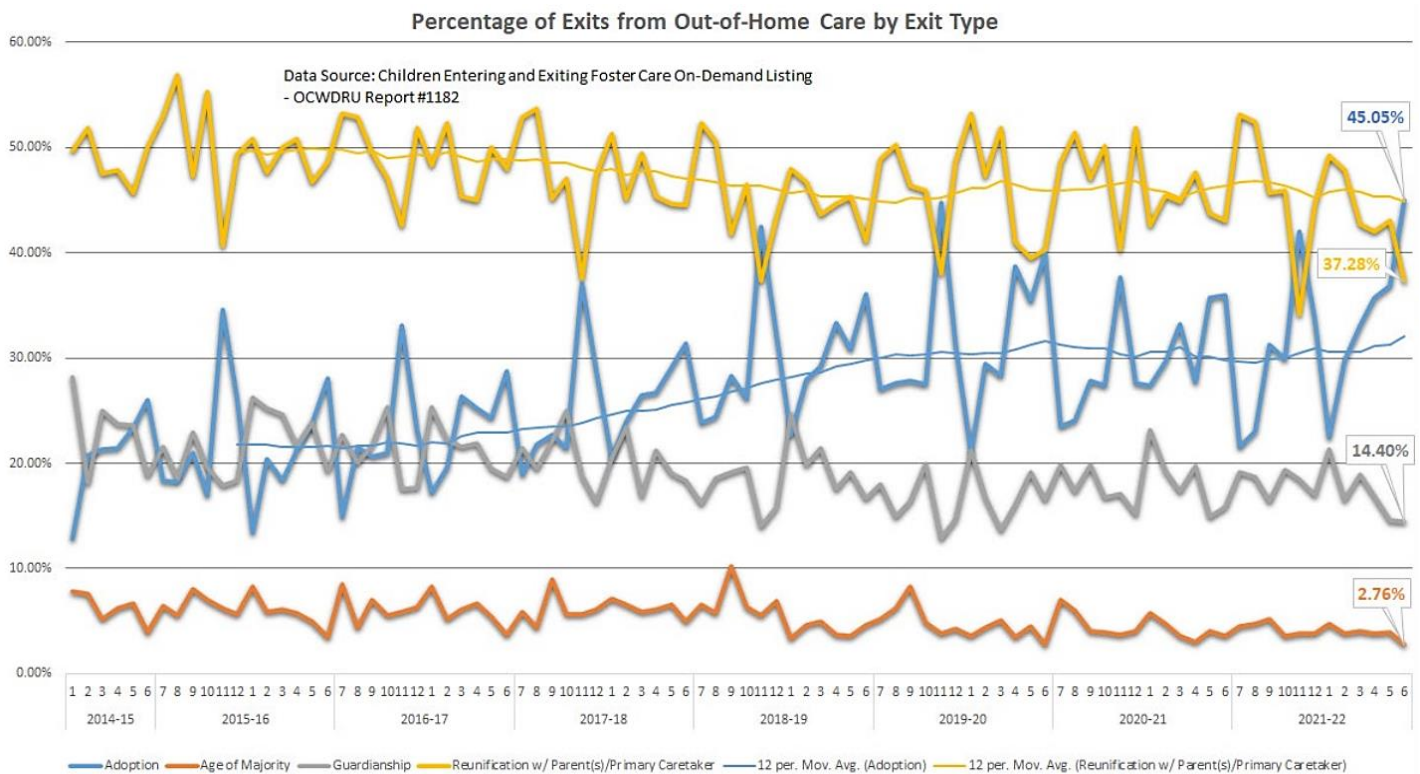
²² U.S. Department of Health and Human Services, Administration for Children and Families, *ACYF-CB-IM-21-01*, <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2101.pdf> (last visited March 13, 2023).

- Children under age 1 who enter care are the only group for whom adoption is the most likely outcome. The likelihood of adoption decreases the older the child is when entering care.
- Guardianship likelihood increases the older the child is when entering care, until age 13.
- Most likely to still be in care after 4 years are those who enter care between ages 9 and 13.
- Emancipation likelihood increases the older the age of entry, for entry between ages 13 and 17.

Children who enter foster care between the ages of 9 and 13 who do not reunify within the first two years may stay in foster care longer, either waiting to be adopted or aging out of care. For youth entering at age 16 or older, aging out of care is the most likely outcome. Aging out of care generally means a youth reached the state’s legal age of adulthood without achieving permanency. Additionally, older children who are not reunified within the first year are much less likely to be reunified in subsequent years when compared to younger children who enter care and do not reunify in the first year.

Length of Stay by Permanency Outcome

Overall, length of stay for children that exited out-of-home care has been steadily increasing and is nearly eight months longer than it was in January 2014.²³ Children who exit to adoption have the longest average length of stay in the child welfare system, currently at 32.35 months.



Concurrent Planning

Section 39.001(18), F.S., defines “concurrent planning” as establishing a permanency goal in a case plan that uses reasonable efforts to reunify the child with the parent, while at the same time establishing another goal that must be one of the following options:

- Adoption when a petition for termination of parental rights has been filed or will be filed;
- Permanent guardianship;

²³ DCF, Child Welfare Key Indicators Monthly Report, Feb. 2023 https://www2.myflfamilies.com/service-programs/child-welfare/kids/results-oriented-accountability/performanceManagement/docs/KI_Monthly_Report_Jan2023.pdf (accessed March 9, 2023), p. 39.

- Permanent placement with a fit and willing relative; or
- Placement in another planned permanent living arrangement.

Permanency goals are included in a child's case plan, and if concurrent planning is being used, both goals are described in the plan.²⁴ DCF, via its case managers employed or contracted by CBC's, prepares the draft of the case plan, and once it is agreed upon, it must be signed by all parties and then submitted for the court to review and approve.²⁵ Among other reasons, the case plan may be amended to change the permanency goal or employ the use of concurrent planning; these amendments may be made by the court or upon the motion of a party.

Chapter 65C-30.006(4), F.A.C. requires that every case involving a child in an out-of-home placement be evaluated to determine if concurrent case planning is appropriate.

Termination of Parental Rights

Beginning with the Adoption Assistance and Child Welfare Act of 1980,²⁶ federal law has required states to show they have made reasonable efforts to provide assistance and services to prevent a child's removal or to reunify a child with family prior to terminating parental rights. The Adoption and Safe Families Act of 1997 states, however, that the child's health and safety are the primary concern when assessing the degree for a state to strive in making reasonable efforts.²⁷ Additionally, the Act does not require states to make reasonable efforts when a court has determined the parent has subjected the child to aggravated circumstances as defined in state law, which includes, but is not limited to, abandonment, torture, chronic abuse, and sexual abuse.²⁸

Section 39.8055, F.S., requires a petition to terminate parental rights (TPR) to be filed within 60 days after any of the following:

- The 12-month judicial review hearing, if child's physical custody is not returned to the parent(s).
- The child has been in out-of-home care for 12 of the most recent 22 months.
- Parent convicted of murder, manslaughter, aiding or abetting the murder or conspiracy or solicitation to murder the other parent or another child of the parent, or a felony battery that resulted in serious bodily injury to the child or to another child of the parent.
- Court finds that reasonable efforts to reunify child and parent are not required.

However, DCF may choose not to file or join in a termination of parental rights petition under certain circumstances, including that the child is being cared for by a relative, or there is a compelling reason for determining that such a petition is not in the best interests of a child.²⁹

The timeframe from a petition for termination of parental rights to entry of final order varies widely across the state, as depicted in the following graph. The median timeframe is 185 days.³⁰

²⁴ S. 39.6011(2)(c), F.S.

²⁵ S. 39.6011(1) and (7), F.S.; s. 39.521(1)(a), 65C-30.006, F.A.C.

²⁶ 42 U.S.C. §620.

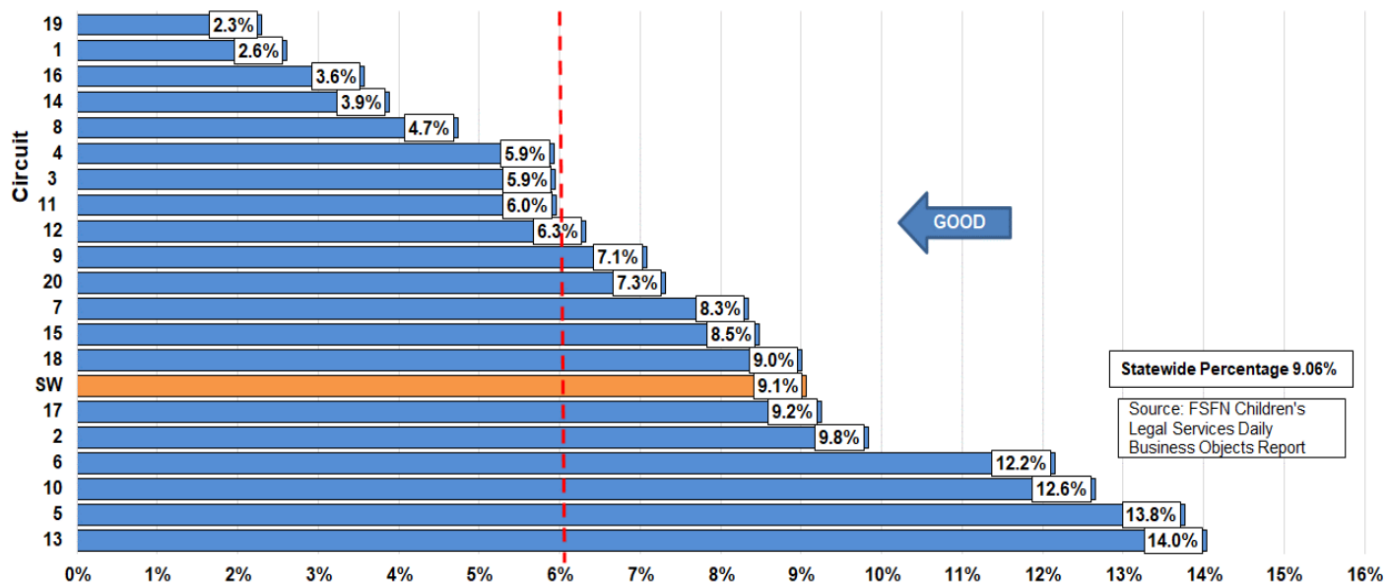
²⁷ Child Welfare Information Gateway, Children's Bureau, U.S. Department of Health and Human Services, *Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children*, <https://www.childwelfare.gov/pubPDFs/reunify.pdf> (last visited March 13, 2023).

²⁸ 42 U.S.C. § 671(a)(15)(D)(i).

²⁹ S. 39.8055(2), F.S.

³⁰ *Supra* note 23, p. 45.

Percentage of Children with Reunification Goal Extended Past 15 months and no TPR Activity
Children Active on September 30, 2022



Adoption

While a termination of parental rights must occur before a child may be adopted, prospective adoptive families are not always identified prior to the petition for termination of parental rights.

Chapter 63 governs adoptions, including adoptions from the child welfare system. Section 63.092 (3), F.S., requires a preliminary home study to determine the suitability of the intended adoptive parents. A child welfare professional must request an adoption home study at the time a petition for termination of parental rights is filed. If the identified prospective adoptive minor is in the custody of DCF, a preliminary home study must be completed within 30 days after it is initiated. If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable.³¹

A final home investigation must occur before an adoption is finalized.³² DCF, the licensed child-placing agency, or the professional who performs the investigation must file a written report of the investigation with the court and the petitioner within 90 days after placement.³³

Chapter 65C-16.004(10), F.A.C., requires the adoption case manager to ensure the initiation and completion dates of the adoption home study are documented on the demographic tab of the unified study in the child welfare information system.³⁴

In FY 2021-2022, courts finalized 3,888³⁵ adoptions from DCF. In that same fiscal year, it took 80 days on average from initiation to completion of an adoption home study; 31% of those adoption home studies took more than 90 days to complete³⁶.

Child Welfare Information Systems

Data and information systems, such as the Comprehensive Child Welfare Information Systems (CCWIS), are important in administering state child welfare systems. Florida's current information

³¹ S. 63.092(3), F.S.

³² S. 63.125(1), F.S.

³³ S. 63.125(2), F.S.

³⁴ Rule 65C-30.018, F.A.C.

³⁵ Florida Department of Children and Families, 2023 Agency Bill Analysis for HB 757 (Feb. 24, 2023).

³⁶ *Id.*

system for child welfare, the Florida Safe Families Network (FSFN), “provides a complete record for each child and young adult served, a method for documenting all licensing records, a payment system for foster care providers, and electronic reporting to national databases that track data on the populations served and outcomes”.³⁷

DCF is currently transitioning to a new child welfare information system.

Effect of the Bill

The bill amends s. 409.996(1), F.S., adding new requirements for CBC contracts. CBC’s must:

- Annually provide written and published operating procedures that detail timelines and procedures to maximize the use of concurrent case planning, minimize the time to complete preliminary and final adoptive home studies, streamline data entry into the statewide child welfare information system, and reduce time to permanency.
- Gather all information to complete the requirements for the child-specific section of the unified home study, excluding information related to any prospective caregiver, and enter such data into the child welfare information system of record no later than 90 days after the filing of the petition for termination of parental rights.

This will require DCF to amend its contracts with CBC’s.

The bill provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill would require CBC’s to perform new duties, which could lead to a potential workload increase and financial impact depending on the specific circumstances of a CBC. However, the implementation

³⁷ DCF, Annual Progress and Services Report, June 30, 2022, <https://www2.myflfamilies.com/service-programs/child-welfare/kids/publications/docs/apsr/APSR2022.pdf>, p. 13. (accessed March 9, 2023).

of operating procedures that lead to a shorter time to permanency could reduce CBC expenditures due to children remaining in the care of a CBC for less time.

D. FISCAL COMMENTS:

None.