



## Board of Directors Meeting

November 14, 2013

## Legislative Report

Item VII.A.

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**Recommended Action:** Information Only

**Strategic Plan**

**Key Result Area:** Collaborations and Partnerships for Community Impact

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### State

#### **Department of Children and Families (DCF)**

DCF Interim Secretary Esther Jacobo has asked the **Casey Family Programs**, a children's policy group, to review a newly developed Child Safety Model. It includes related safety and risk assessment tools for use by Child Protective Investigators (CPIs). The Florida Legislature has indicated that child safety will be one of their priorities during the upcoming legislative session.

The Casey report, *Review of Florida Safety Model and Front-End Assessment Tools*, found that DCF's safety model is too narrowly focused on protecting children in danger versus preventing at-risk children from becoming endangered. The report concludes that DCF's method of assessing danger classifies children only as simply safe or unsafe, rather than with a continuum that identifies varying levels of risk.

DCF is adopting a number of the Casey recommendations. They include an additional focus on infants and toddlers, who were the primary victims of fatal abuse and neglect in 2013.

During the September 24, 2013 Interim Committee meetings, Secretary Jacobo informed the House Healthy Families Subcommittee that two child-protective investigators will be assigned to each case involving children ages three and younger in families involved with substance abuse, domestic violence, and/or three or more prior incidents with child protective investigations. According to Secretary Jacobo these are the risk factors consistently identified as predictors of child maltreatment. In addition, teams follow up after an investigation has closed to ensure the

family has stabilized. DCF monitors family safety plans more often, employs second-party consultations in high-risk cases, and has strengthened its quality-assurance system.

**Florida Children's First**, a foster youth advocacy organization, has called for the Legislature to restore funding for 76 quality-assurance positions that were cut in 2008 saying DCF needs the eyes and ears to monitor at-risk children.

At the November 5, 2013 Senate Children, Families and Elder Affairs Committee, Senator Sobel (D-Broward), Chair, and the Committee conducted a panel discussion on the recent child deaths in the state. Senators were concerned with the accountability of how the community-based care agencies spend the state's dollars and that providers who go out of business leave behind debt. There was discussion on re-filing a 2013 bill, that was vetoed, that would have assured the confidentiality for child death-review panels.

**Impact: The scrutiny given by both chambers will result in child safety legislation during the 2014 Session.**

### **Department of Juvenile Justice**

Two recent decisions will impact the Department of Juvenile Justice's budget in the amount of \$54.5-million:

The first is a court ruling in June 2013 by the First District Court of Appeal in Tallahassee, agreeing with Florida's 67 counties that DJJ should pay for juveniles' "pre-dispositional" detention. This is the costs associated with juveniles waiting in detention centers for their cases to be resolved in court and those charged with probation violations.

Secretary Wansley Walters informed the Senate Criminal Justice Committee that due to the ruling, DJJ's share of pre-dispositional detention costs has increased from 27 percent to 68 percent – an additional \$35.5 million for this fiscal year, with an expected rise to \$39.3 million next year. The counties' share has dropped accordingly, from 73 percent to 32 percent. She is requesting a temporary loan to the department to continue funding the detention centers. If a funding solution is not found, detention centers in Brevard, Pasco, and Okaloosa counties would be the first to close, followed by closures in Broward, St. Lucie, and Volusia counties. The closures could affect nearly 250 employees.

Three counties Polk, Hardee, and Highlands, run their own juvenile detention centers. Before the ruling, other counties had been considering the same option. If the state appeals the ruling, it would have to go before the Supreme Court. Secretary Walters indicated that the Governor's Office had encouraged her to work with the counties.

The second decision affecting DJJ's budget was the federal Centers for Medicare and Medicaid Services discontinuation of Medicaid funding for youth in non-secure residential facilities. The Florida Agency for Health Care Administration estimates the fiscal impact to DJJ to be \$19 million for 2013-2014. Secretary Walters asked lawmakers for help with the Medicaid decision. She emphasized that DJJ's deficit plan is "done in concert with the Legislature's juvenile justice policies and intent."

**Impact: This will become an issue during the 2014 Session appropriations process.**

### **Federal**

The House Ways and Means Committee has passed HR 3205 the “**Promoting Adoption and Legal Guardianship for Children in Foster Care Act**”. The bill extends the Family Connection Grant program, which provides three-year grants to groups who help make adoption arrangements. It also makes changes to the Adoption Incentives Program, which delivers funds to states that find ways to increase the number of children who are adopted.

The House bill will provide for the following:

- Improve the formulas behind these grant awards to make sure that even as foster care caseloads continue to come down, states continue to get rewards for moving children into adoptive homes
- Continues to promote the type of adoptions that have proven hardest to achieve by adding a special grant award for the adoption of teenage children
- Adds a new grant award for guardianship relationship, which allows foster children to live with relatives

The bill has been referred to the Senate Committee on Finance.

**Local context:** In Florida, the monthly relative caregiver payment for those who are not licensed as foster homes, may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing the assistance to any relative caregiver exceed the cost of providing out-of-home care in an emergency shelter or foster care. For 2013, the relative caregiver rate averages 56% less than the foster care rate. Relatives who qualify for and participate in the Relative Caregiver Program must undergo a home study, but are not required to meet foster care licensing requirements.

**Impact:** Any additional funds provided for adoptive families and relative caregivers should result in more families being willing to adopt or accept children who would otherwise go into the foster care system.

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