Child welfare bills differ, but many similarities

By Margie Moncel
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After a series of highly publicized child deaths last year, the House and Senate are taking different approaches to funding the state child-welfare system — but both are considering ambitious measures that cover a lot of ground.

Both chambers would require more professionalism — with an emphasis on social-work skills — for child protective investigators. Both would keep siblings together in the foster-care system and help families care for medically compromised children. Both would require the Department of Children and Families to publish the basic facts of all deaths of children reported to the state abuse hotline. And both would create critical incident response teams to conduct independent investigations of those deaths and other serious episodes of child abuse and neglect.

"These are our kids — we have got to make sure that they are safe," said Gayle Harrell, the Stuart Republican who chairs the House Healthy Families Subcommittee. "We are not done. We are going to work at this and work at this until we get it right."

On Wednesday, Harrell led her panel through a workshop on the House's omnibus child welfare reform bill (PCB HRM 14-03). The day before, the Senate Children, Families and Elder Affairs Committee unanimously approved three bills (SB 1666, SB 1668 and SB 1707) that contain many of the same provisions.

The overarching legislation is the result of a wave of child deaths last year that sparked outrage and contributed to the resignation of the secretary of the Department of Children and Families last July.

Since then, legislative hearings have shown that turnover at the top of the department — which has had seven secretaries since 1999 — is contributing to a systemwide issue that lawmakers want to address.

For instance, both chambers are proposing a new position, assistant DCF secretary for child welfare, because the secretary's role is responsible for too many areas — mental health, substance abuse, domestic violence, homelessness, hunger and more.

Both chambers are also proposing a consortium of state university social-work programs called the Florida Institute for Child Welfare, which would conduct research and policy analysis to advise the state and improve the education and training of the child-welfare workforce.

And both chambers are proposing new education and training requirements for child protective investigators, although the Senate's are more sweeping.

The Senate plan would require 80 percent of newly hired CPIs and their supervisors to hold college degrees in social work, while helping current employees obtain those levels and tuition waivers if they pursue such a degree.

The House bill offers CPIs and their supervisors three options: They must have a college degree in social work; a degree in a human services-related field with 12 hours of relevant coursework; or a degree in a human services-related field and complete 12 hours of relevant coursework within three years.

The biggest difference between the chambers involves safety planning for children who could be in danger of maltreatment. The Senate plan does not change the current system, which limits DCF investigations to 60 days, within which a child protective investigator must verify the abuse.

"But what the investigator can't do is ensure that there's any kind of safety for the child after that 60-day period of time," said Howard Talenfeld, president of the advocacy group Florida's Children First. "A parent can say, 'This was a terrible incident, I got drunk and I'm going to fix the problem.' ... That's the hole in the bill right now. Because there's no jurisdiction, you can't ensure safety no matter how good your investigators are.

Talenfeld urged the Senate panel to adopt a House provision that would not rely on promises by a parent, caregiver or legal custodian when developing a plan to ensure the child's safety as the result of an investigation.

"We want to make sure safety plans are followed," Harrell said.

So does Miami-Dade Circuit Judge Cindy Lederman, a national expert on child welfare.

"The scope of the investigations must be expanded to include family functioning and family history," Lederman said.

"Without that, these children are still in danger."

But the biggest bone of contention could be lawmakers' efforts to update the statutes dealing with the state's 19 privatized community-based care lead agencies, known as CBCs. The CBCs receive $6.5 billion a year from the state to coordinate adoption, foster care and case-management services for children who have been removed from their homes.

Both the House and the Senate are proposing an outcome-based accountability system that would "monitor the use of resources, the quality and amount of services provided, and child and family outcomes," as the House bill states.

And both chambers' proposals would strengthen local community alliances, groups of volunteers and providers that already are supposed to help govern the CBCs. If the bills pass, the community alliances would conduct more needs assessment, set community priorities and review the performance of both the lead agencies and the Department of Children and Families for the local area.

The alliances could choose to keep the current role, expand it or extend the current contract's one-year timeline.

On Wednesday, former state representative Kathy Broekema, representing the CBCs, agreed to meet with Harrell — with whom she served in the House — about the lead agencies' concerns. She also urged the House panel to "make sure that we're properly resourcing them."

Kelly and others have argued that with Gov. Rick Scott proposing nearly $40 million this year for 400 additional child protective investigators, there will be a greater need for local caseworkers to make sure children get the services they need.

Lederman said caseworkers who are supervised and paid by the CBCs should have been included in the education, training and tuition waiver provisions of the bills.

"If protective investigations really are done in a competent manner, more children will be coming into care," Lederman said. "We need more of these qualified caseworkers and, right now, the workforce of non-qualified caseworkers has been depleted."

But Harrell said it depends on funds. "I haven't gotten any indication from [House Speaker Will Weatherford] that there's any money right now for that. But that would be something I would be very interested in looking at moving forward."