Executive Summary

While missteps remain far too frequent and more reform is needed, Florida has progressed in transforming its child welfare system since moving away from the state-run system 20 years ago. By most accounts, Florida has done exceedingly well in finding forever families for children in foster care. Caseloads are also down. Transparency has increased. However, intensive changes are needed, especially in the areas of child safety and security. Foster home availability and placement stability remain unsteady especially for children with complex needs. In-home and wrap-around services have been historically problematic and often not evidence-based. Even if significant improvements occur in the availability of these critical services, and that is far from being guaranteed, traditional and therapeutic foster homes are not consistently reliable alternatives to all group care. Efforts must be intensified to rid the industry of poor quality foster care and poor quality group homes alike.

Florida’s caseload ratios still are almost double the nationally recommended standards. Overall, case management activity is frequently confused with actual therapeutic intervention, which is often seriously lacking. The annual turnover rate among case managers in Florida averages 37 percent statewide, but runs as high as 80 percent in certain areas. Child deaths remain high – 473 Florida children died in 2015.

Transforming Florida’s child welfare system further will be challenging until the state stabilizes the large pendulum swings occurring in child welfare policies and practices in reaction to high-profile tragedies and crises. Over the years, Florida child protection reforms have swung between two general approaches – family preservation, even if it risks maltreated children being re-abused by their parents, or removing children from their homes and placing them in foster care. These pendulum swings occur primarily because there is no unified strategy among key stakeholders for the best approach of keeping children safe. Nor are current risk assessment tools scientifically validated. Simultaneously, resources have yet to be targeted and committed to make either strategy the quality model it needs to be.

For guidance on how to achieve significant, lasting reform in child welfare, Florida could look to the positive transformation occurring in the state’s juvenile justice system. The Florida Department of Juvenile Justice (DJJ) faced similar reform challenges until it developed and began implementing its “Roadmap for System Excellence” based on the prior work of The Children’s Campaign initiated, consensus-oriented Florida Juvenile Justice Blueprint Commission. The intentional formation of a consensus process has led to improvements. Today, juvenile arrests are at the lowest levels in 30 years. More children now have the opportunity to be successful through an increased emphasis on civil citations and diversion programs. While not perfect either, especially in the areas of community-based services, re-entry, therapeutic residential care, and services to disabled children, Florida’s juvenile justice system has come a long way since Roadmap implementation began in 2012.
Florida’s Child Welfare Once Called a “National Embarrassment”

Twenty years ago, Florida’s foster care system was making headlines for horrific and needless child deaths, “losing” children in the system, and a lack of foster care beds so severe that children were sleeping in government offices. High case backlogs resulted in many children being left at risk or languishing in care. Adoption rates were low. In some districts, children were receiving only one caseworker visit a year. Florida’s child welfare system was considered “more than a national embarrassment.”

Spurred by a belief that the state-run, “one-size-fits-all” child welfare system was broken, the Florida Legislature changed direction in 1996 to begin privatizing child welfare in five pilot areas. The belief was locally-managed community-based care (CBC) was a more efficient way to deliver services, enhance child protection, and yield better child outcomes based on communities’ unique needs. Some also believed it could be more cost effective.

Although only one of the pilot projects (Sarasota) was considered successful, Florida passed HB 3217 in 1998, mandating statewide privatization of all foster care and related services. Florida was the second state in the nation to privatize child welfare to the extent that it did.

One of the unique features of Florida’s privatized child welfare system is the Department of Children and Families’ (DCF) contracts with the CBC lead agencies that manage their local child welfare systems of care. Instead of paying each lead agency a fee for every day a child remains in foster care, which some believe incentivizes agencies to allow kids to languish in care, DCF allocates a share of the state’s total child welfare budget to each lead agency. In turn, every lead agency is required to provide all needed services to all referred children and families, regardless of the allocated funding level. This lofty ideal is difficult to achieve in reality. The state has a risk pool to provide financial relief to lead agencies if child protective investigations greatly increase their caseloads. The risk pool, while well considered a safety net, is not currently funded at a level able to meet radical fluctuations in demand.

Florida privatized the bulk of its child welfare services through a phased-in process that was completed by 2005. While foster care, case management and adoption have all transitioned from DCF, child protective investigations, the front line of child welfare, has largely remained with DCF, an agency that has continued to experience frequent leadership changes, strained budgets and supervisory issues. The Children’s Campaign has recommended that the role of sheriffs be expanded in protective service investigations especially in high-density urban areas. By its own admission, DCF says there is significant role confusion between the investigative and social work functions.

Positive Changes in Permanency and Transparency

Florida has come a considerable way in child welfare reform over the last two decades, but it has not come far enough. On the positive side, Florida has done exceedingly well in finding forever families for children in foster care. In fact, Florida is considered an adoption leader among states as demonstrated by its receipt of a $6.1 million grant award for Federal Fiscal Year 2014, from the Adoption and Legal Guardianship Incentive Payment Program.

Florida’s significant strides in adoption is confirmed in the 2013 Florida Right for Kids Reform Report by the Foundation for Government Accountability, a Naples-based, conservative think tank. In fact, the report shows that from 2006 – 2011, 6,500 more Florida children were adopted than in the eight years immediately preceding it. The number of children being adopted within two years of entering foster care also nearly doubled. Additional successes, however, must be made with adopting older children.

Child welfare transparency has also increased in recent years. Realizing that many child maltreatment fatalities can be prevented, sweeping child welfare reform legislation was passed to increase the expert analysis of child fatalities through Critical Incident Rapid Response Team (CIRRT) reports. An analysis of 2015 CIRRT reports by The Children’s Campaign shows that CIRRT reviews would be more beneficial if they were expanded to cover more child deaths, rather than only deaths of children with verified abuse in the past 12 months. DCF has responded by issuing Quality Assurance (QA) reports on child fatalities that fall outside the current, narrow CIRRT guidelines.

Regardless, Florida has a solid B+ rating for its policy and practices surrounding public disclosure of child abuse deaths. Another encouraging sign is that child welfare caseloads have decreased, although the ratios are still being stretched by a new

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1 Foundation for Government Accountability, 2012 Right for Kids Report
2 Casey Family Programs, An Analysis of Kansas and Florida Privatization Initiatives, 2010
3 Florida Statutes 409.1671 (7)
4 Florida Department of Children and Families, Dependency Roles Workgroup Report, April 2016
5 Department of Children and Families, 2015 Annual Report of CBC Performance
6 Children’s Advocacy Institute, 2014 State Secrecy and Child Deaths Report in the U.S.
wave of out-of-home removals in many areas of the state. Lower caseloads not only reduce caseworker turnover, but also are critical to allowing caseworkers to manage the depth and breadth of services that promote safety and permanence.

**Child Safety Efforts Lack Consistency and Follow-Up**

Several other reports and data show a need for considerable improvement. While lighter caseloads are a step in the right direction, Florida’s ratios of 22 cases per case manager remain almost double nationally recommended standards. The annual turnover rate among case managers in Florida also remains high—averaging 37 percent statewide, but running as high as 80 percent in certain areas. Caseworker turnover alone is costing the state approximately $14 million annually.\(^7\) Consistent reforms are nearly impossible to achieve with high turnover, which demands accelerated attention.

Safety plans are also being used well beyond DCF guidelines and, in many cases, are not enough to protect children. They require significant buy-in from parents/guardians, strong monitoring and enforcement—and are still sometimes unsuccessful. Our analysis of 2015 child deaths receiving a CIRRT review shows that a safety plan was in place in about one-third of the child deaths.

Foster home availability and placement stability are still concerns. In a June 2015 memo obtained through a public records request by Fox 13 News, DCF Secretary Mike Carroll reminded lead agencies that government offices and hotels were not appropriate sleeping arrangements for foster children due to limited availability of foster homes and therapeutic placements.\(^8\)

DCF’s 2015 Annual Report of CBC Performance also confirms there is room for improvement in placement stability for foster children. Only 84.8 percent of children in out-of-home care had two or fewer placements between the first eight days through 12 months in out-of-home care, which is below the state’s 86 percent standard.\(^9\)

Although Florida was ranked as having the 4\(^{th}\) highest performing state for child welfare by one think tank in 2012, that same report showed Florida performing poorly in several critical areas. For example, Florida ranked 41\(^{st}\) in overall reduction of child abuse; 28\(^{th}\) in minimizing frequency of moves in foster care; and 28\(^{th}\) in academic success for foster children.\(^10\)

Considerable numbers of Florida children are spending significant chunks of their childhood in foster care. Only 45.1 percent of children exit foster care within 12 months, with nearly half of Florida’s 20 child welfare circuits performing below Florida’s already low 40.5 percent standard for this indicator. In addition, 70 percent of Florida’s CBC lead agencies are performing below standard on reunifications, with only 89.1 percent of children achieving permanency and not returning to foster care within 12 months.\(^11\)

One of the promises of community-based care is that the local CBC lead agencies would engage a broader range of stakeholders and build a strong level of community support for foster children. In several instances, this is not being fully realized. The composition of the board of directors of many local CBC agencies do not facilitate engagement of the range and breadth of stakeholders and institutional players needed for a private-public partnership model. Several CBC lead agencies have opted instead for small, corporate-style boards lacking enough diversity or community oversight for the size of the operations under them.

Perhaps the most critical review of Florida’s child welfare system is a recent one-sided documentary entitled Foster Shock that debuted at the 2016 Palm Beach International Film Festival. Although the documentary honorably conveys horrific stories of children harmed in care, it doesn’t tell the story of all children from a range of settings and experiences so improvements could be spotlighted without bias. Interviews with foster parents portray a system so stacked against kids that they would never foster again.

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\(^7\)Florida TaxWatch, Challenges Facing Florida’s Community-Based Care System, November 2015
\(^8\)Fox 13 News, DCF memo obtained through public records request
\(^10\)Foundation for Government Accountability, 2012 Right for Kids Report
\(^11\)CBC Lead Agency Scorecard, Oct – Dec 2015
High Child Deaths Most Troubling

The most troubling of all child well-being indicators, however, is that Florida child deaths remain high.\(^{12}\)

End-of-the-year calculations for 2015 show that 474 Florida children died in 2015, which is more than the number of child deaths in 2011—considered an especially bad year for foster children as highlighted by the award-winning “Innocents Lost” news investigation by the *Miami Herald*. Some blame the increase in deaths on an increase in Florida’s population. However, the percentage of children who died despite being known to Florida Department of Children and Families (DCF) remained largely the same (roughly 42 percent).

Why are high numbers of children still dying despite all the efforts to reform child welfare?

Florida’s Pendulum Swings in Child Welfare

Transforming Florida’s child welfare system further will be challenging until the state stabilizes the large pendulum swings occurring in policies and practices in reaction to high-profile tragedies and crises. These pendulum swings occur primarily because there is no unified strategy among key stakeholders of the best approach for child safety.

Over the years, Florida child protection reforms have swung between two general approaches—family preservation, even if it means allowing maltreated children to remain with their parents, or removing children from their homes and placing them in foster care.

Nearly 15 years ago, in the midst of Florida’s transition to child welfare privatization, DCF was backlogged due to more than 30,000 investigations. To help decrease the backlog, child protection practices shifted to reducing the number of children taken into foster care. Resources to protect and supervise the children left behind in troubled households failed to shift enough with this changed philosophy. Other funding and support services were sometimes slashed or dollars appropriated elsewhere. Therapeutic interventions remained unavailable. Many children died.

In recent years, Florida legislators have enacted new child welfare policies that have swung in the other direction. Yet, high numbers of children known to DCF are still dying.

A rapid increase in children being placed in the state’s care has followed in the wake of these recent policy changes for assessing abuse allegations and removing children from potentially harmful situations.

Currently, there are nearly 23,000 Florida foster children in out-of-home care, having spiraled upward over the past several years. Although some additional funding has been allocated in response to policy shifts in recent years, it has done little to restore balance to the overstretched system.\(^{13}\)

Between December 2014 and May 2015 alone, the state saw an 11 percent increase in the number of children in out-of-home care. Simultaneously, funding for child welfare services has actually decreased by 13 percent since 2008 when adjusted for inflation.\(^{14}\)

It is believed by The Children’s Campaign that the pendulum will continue to swing until the historical use of federal Title IV-E waiver dollars is revisited and re-targeted to ensure resources are available for the intervention strategies chosen. State dollars to fill in the gaps will be required, regardless of the eventual federal decision on the structure of Title IV-E or its replacement.

The intentional formation of a consensus process has led to improvements in Florida’s juvenile justice system. A similar process is needed for child welfare.

Lack of a Child Welfare “Roadmap”

For guidance on how to achieve true and lasting reform in child welfare, Florida could look to the progress being made in transforming its juvenile justice system. The Florida Department of Juvenile Justice (DJJ) faced similar reform challenges until it convened all stakeholders, and collaboratively developed and implemented its “Roadmap for System Excellence” based on the heralded Florida Juvenile Justice Blueprint Commission. DJJ’s Roadmap is a collaborative strategic plan transforming Florida’s old school juvenile justice system that emphasized detention into one that

\(^{12}\) WFTV-CH9, Despite legislative efforts, child fatality numbers not improving

\(^{13}\) Florida TaxWatch, Challenges Facing Florida’s Community-Based Care, November 2015

\(^{14}\) Ibid
emphasized detention into one that emphasizes a more balanced approach. This new system is achieving considerable and promising success.

Juvenile arrests in Florida are currently at their lowest in 30 years. Fewer children are re-committing crimes. More jurisdictions are offering civil citations to children making youthful mistakes, allowing them the chance to become successful, productive adults since the stigma of an arrest record is avoided.

Florida’s pendulum swings in child welfare mirror discussions occurring nationally in child welfare circles. As reported by *The Chronicle of Social Change*, news coverage of a White House-appointed task to reduce the number of children who die annually from abuse and neglect has further unleashed debate in both camps—those who strongly are in favor of family preservation, as well as those who believe children should be protected at all costs.

Although the White House-appointed task force report, released in March 2016, made dozens of recommendations, including enlisting a broader range of community organizations to help overburdened child welfare workers, child protection is largely managed at the state and local levels. As a result, ways to improve child welfare further in Florida is best accomplished through collaborative discussion and examination at those respective levels.

About The Children’s Campaign

The Children’s Campaign is Florida’s leading child advocacy organization. We work hard every day to make children and families a top state priority. What most differentiates The Children’s Campaign from other child advocacy organizations is we advocate for the “whole child” – we are not a single-issue organization. We are non-partisan, nonprofit and accept no government money so we can maintain our independent voice. We even the playing field for children and families. We are experts at educating politically aware Floridians, presenting win-win solutions and finding common ground among the diverse providers, officials and collaborative partners. Since 1992, The Children’s Campaign has led or championed many major reforms for Florida’s children. We invite you to join us. Learn more at *iamforkids.org*