

AMERICAN CHILDREN'S CAMPAIGN

2022 Bill Highlights

As of 4/4/2022

SB 1120 & HB 893 – Child Welfare; Child Welfare Placements

Sponsors: Senator Rodriguez (R-Doral) & Representative Melo (R-Naples)

Outcome: SB 1120 was laid on the table and substituted for HB 893. HB 893 is enrolled.

Target Population: The Department of Children and Families and children under the supervision of DCF.

Summary: Adds Therapeutic Group Homes to Residential Treatment Programs that do not require court approval. Residential treatment centers can be licensed hospitals, specialized therapeutic group homes, psychiatric residential treatment facilities, or qualified residential treatment programs. Defines a “therapeutic group home” as a 24-hour residential program providing community-based mental health treatment to children in a non secure, homelike setting. Requires a DCF appointed qualified evaluator to conduct a suitability assessment. A qualified evaluator must be a psychiatrist, psychologist, or a mental health counselor who has at least 3 years of experience in youth mental health diagnosis and no conflict of interest. Removes provisions requiring



suitability assessments to be completed prior to placements. Maintains requirement that all youth placed in Residential Treatment Centers are appointed a guardian ad litem. Requires that full suitability assessment is provided for the guardian ad litem 5 days after DCF receives it from the qualified evaluator. Changes adoption placement language from “special needs” to “difficult to place”. Changes “black or racially mixed” to “member of a racial group that is disproportionately represented among children” in regards to youth who are defined as difficult to place.

How the Bills Differ: The bills are identical.

Impact: Therapeutic residential treatment programs are beneficial for youth that struggle with mental health. Previously, access to therapeutic programs required court approval, while psychiatric programs did not. Psychiatric care is often traumatizing for youth, with 43% reporting PTSD due to treatment.

This legislation expands access to therapeutic-based programs by including Therapeutic Group Homes (TGH) in residential treatment programs that qualify for placement without court approval. The addition of TGH increases timely access to mental and behavioral care that is less traumatizing for youth. This is essential in delivering quality mental health treatments to youth in need that will promote long-lasting change.

It is important to note that although this legislation expands critical access to appropriate Residential Treatment Programs, it may create a loophole that allows additional youth to be placed in psychiatric care. This legislation removes the specification that Qualified Evaluators must complete evaluations before placement and removes DCF’s responsibility to ensure that happens.

American Children’s Campaign supports reducing institutional trauma that youth in the Child Welfare system face when receiving residential treatment. With proper oversight these provisions will open the door for easy access to TGH for youth in need.

Effective Date: This act shall take effect upon becoming a law.

