

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1666

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Sobel

SUBJECT: Child Abuse and Child Welfare Services

DATE: March 12, 2014

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sanford	Hendon		<b>CF SPB 7072 as introduced</b>

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**I. Summary:**

SB 1666 makes numerous changes to better protect children from abuse and neglect. The bill seeks to improve the quality of child abuse investigations conducted by the Department of Children and Families (DCF or the department) and certain sheriff's offices.<sup>1</sup> The bill accomplishes this by increasing child welfare expertise in the department, improving child abuse investigator qualifications, and creating a consortium of public and private schools of social work to advise the state on child welfare policy.

The bill establishes an Assistant Secretary for Child Welfare to ensure that the agency has a single point person for the quality of child protection and child welfare services. The bill improves the qualifications for child protective investigators and their supervisors by requiring 80 percent of the persons newly employed for these positions hold college degrees in social work. To allow the current workforce to meet these improved requirements, the bill exempts the employee from paying tuition and fees for a state university social work program. The bill also recreates a loan reimbursement program to assist in recruitment and retention of child protective investigators and supervisors.

The bill also creates a criminal offense for abandoning a child and provides definitions and penalties for that offense.

The bill creates a consortium of the state's public and private university social work programs. The consortium is defined as the Florida Institute for Child Welfare and will conduct research and policy analysis to advise the state, as well as improve both the education and training of child protection and child welfare workers.

The bill will have an indeterminate fiscal impact. The effective date is July 1, 2014.

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<sup>1</sup> As authorized under s. 39.3065, F.S., and the General Appropriations Act, sheriffs in Broward, Hillsborough, Manatee, Pasco, Pinellas and Seminole counties investigate child abuse and neglect reported to the abuse hotline rather than the department.

## II. Present Situation:

### Child Abuse, Neglect, and Death

Child abuse or neglect, or child maltreatment, has been identified as a serious social issue in the United States since its founding. Although the first organized effort to protect children was not until 1875, the year that the New York Society for the Prevention of Cruelty to Children was incorporated, churches, orphanages, and civic groups had attempted to assist children who had been injured or neglected from colonial days.<sup>2</sup>

Most recent studies show that the most common child maltreatment is neglect, accounting for about 78 percent of the cases. Other common maltreatments are physical abuse (approximately 17 percent of cases) and sexual abuse (approximately 9 percent of cases). Victims less than one year old have the highest rate of victimization. Many factors are associated with child maltreatment, including poverty, substance abuse, domestic violence, and mental illness.<sup>3</sup> The presence of an adult male unrelated to the child in the household has also been identified as a major risk factor for child maltreatment.

Child maltreatment is one of the nation's most serious problems<sup>4</sup>. In Federal Fiscal Year 2011, the most recent year for which national data is available,<sup>5</sup> an estimated 3.4 million reports of abuse were received by child protection agencies.<sup>6</sup> After investigation, the number of unduplicated child victims nationally was estimated to be 681,000. Florida reported 208,437 calls to the child abuse hotline, of which 55,770 resulted in substantiated allegations of abuse.<sup>7</sup>

In addition to the human cost of child abuse and neglect, there is a significant fiscal impact to the state. The department has posited a conservative estimate of \$72,709 annually per child to provide child welfare, hospitalization, special education and juvenile justice services to care for an abused or neglected child.<sup>8</sup> Just the cost of child and adult protective investigations in Florida (of which the great majority are child investigations) was reported to be \$312,493,471 in FY 2012-13.

The most serious result of child maltreatment is the death of the child. Nationally 1, 545 child fatalities as the result of child abuse or neglect were identified.<sup>9</sup> Florida reported 133 child fatalities resulting from child abuse or neglect.<sup>10</sup> In cases where a child died from abuse or neglect, in some instances the family was not previously known to the department, and in others the child was previously known. When the family was previously or currently known to the

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<sup>2</sup> Myers, John E.B., *Child Protection in America: Past, Present, and Future*, Oxford University Press, 2006 at 26.

<sup>3</sup> *Id.*, pp. 134-156.

<sup>4</sup> US. Department of Health and Human Services, *Child Maltreatment 2011*, p. 1.

<sup>5</sup> All data in this paragraph are for FFY 2011 so that all are comparable.

<sup>6</sup> *Id.* at vii. The report adds that the rate of referrals have remained fairly constant for at least five years.

<sup>7</sup> *Id.* at 11, 29.

<sup>8</sup> Department of Children and Families, *2013 Annual Report*, p. 27.

<sup>9</sup> U.S. Department of Health and Human Services, *ibid.* at 63.

<sup>10</sup> *Id.* at 63.

department, understanding the reasons that the previous or current intervention was not effective in avoiding the death is of critical importance.

### **Child Protection and Child Welfare Services in Florida**

Florida's system for providing services to children alleged to have been abused, neglected, or abandoned is complex, involving the department itself, 6 sheriff's offices, the Office of the Attorney General, one state attorney office, the Department of Health, 17 community-based care providers (lead agencies), and innumerable subcontractors to lead agencies.

A child protective investigation begins with a report by any person to the Florida Abuse Hotline. The state is required to maintain a 24/hour, 7/day capacity for receiving reports of maltreatments. The reports are sent out to child protective investigators (CPIs) across the state to investigate.

The CPI receiving the report is most commonly a DCF employee, but in six counties the local sheriff performs the investigative function. The DCF child protective services are delivered through 6 regional offices, using 1,300 investigators and 300 supervisors. The sheriff's offices employ 387 CPIs and 70 supervisors.

Court hearings are required whenever a child is removed from his or her home. The attorneys in these cases are either department employees or employees of the Attorney General's Office under contract to DCF or, in one case, a state attorney office.

The lead agencies and their subcontractors are the primary providers of services to children and families in the child welfare system. There are currently 17 lead agencies with contracts covering all 20 judicial circuits. The lead agencies and their subcontractors employ case managers and supervisors to oversee the provision of services to children in the child welfare system. Many of the services are not directly provided by the lead agencies or the case management subcontractors, but by substance abuse, mental health, and other specialized community based providers.

There is variation across the state in deciding the point at which the lead agency assumes responsibility for the case management of a child welfare case, with varying degrees of cooperation and overlap between CPIs and lead agencies. In addition, special problems arise when multiple areas of the state are involved in either the investigation or the placement of children.

### **Child Welfare Workforce**

#### ***History***

The college degree most tailored to and associated with child welfare is the bachelor's or master's in social work. During the first half of the 20th century, the federal government, in cooperation with universities and local agencies, established a child welfare system staffed by

individuals with professional social work educations. Child welfare came to be viewed as a prestigious specialty within the social work profession.<sup>11</sup>

In the 1990's, an increased recognition of child abuse led to enactment of state child abuse and neglect reporting laws and toll free numbers to report abuse. This resulted in a large increase of child abuse reports and resources for the preparation and support of additional staff needed to respond to the reports were inadequate. States moved quickly to hire additional employees to investigate abuse. One way to expand the workforce was to reduce staff qualifications. In response to having a varied workforce without similar expertise and training, agencies began to structure child welfare work differently, attempting to reduce its complexity and make it possible for people with fewer qualifications to adequately perform required tasks.<sup>12</sup>

### *Current Qualifications*

The current qualifications for child protective investigators are not specified in statute or rule, but DCF's internal hiring practices require that new protective investigators have a bachelor's degree in any field and one year of child welfare related experience, or a master's degree in any field. Preference is given to candidates with a human services related degree. The department is not involved in the hiring practices or standards established by the sheriff's offices.<sup>13</sup>

The current qualifications for child welfare case managers operating in the community based care system are established by rule and are a bachelor's degree in social work or related field.<sup>14</sup> Since employment decisions for child welfare case managers are made by individual lead agencies, and since DCF does not collect data on their practices, the extent to which this rule is actually observed by the lead agencies is not clear. DCF does have the authority to exempt employees from the rule, and often does so.

In addition to the above qualifications, the 2012 Legislature required that both child protective investigators and child welfare case managers obtain child welfare certification from a third-party credentialing entity.<sup>15</sup> This certification requires the individual to demonstrate core competency in any child welfare practice area. A "core competency" is defined in statute to be the minimum knowledge, skills, and abilities necessary to carry out child welfare work responsibilities.<sup>16</sup>

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<sup>11</sup> Child Welfare Workforce, Research Roundup, Child Welfare League of America, (Sept. 2002) *available at* <http://www.cwla.org/programs/r2p/rnews0209.pdf>. (last visited March 3, 2014).

<sup>12</sup> Jones, L.P. and Okamura, A. Reprofessionalizing Child Welfare Services: An Evaluation of a Title IV-E Training Program, *Research on Social Work Practice*, Vol. 10 No. 5, September 2000 and Zlotnik, J.L., Preparing Social Workers for Child Welfare Practice: Lessons from an Historical Review of the Literature, *Journal of Health & Social Policy*, Vol. 15, No. 3/4, 2002.

<sup>13</sup> Communication from the Department of Children and Family Services, Family Safety Office, (Sept. 16, 2010) (on file with the Committee on Children, Families, and Elder Affairs.)

<sup>14</sup> Section 409.1671(5)(a), F.S., requires that each community-based lead agency must be licensed as a child-caring or child-placing agency. Section 65C-15.017(2) and (3), F.A.C., sets the education and experience requirements for such agencies.

<sup>15</sup> Currently, the Florida Certification Board.

<sup>16</sup> Section 402.40, F.S.

### *Social Workers in Child Welfare*

According to the department, the degrees are currently known for 1,214 of the 1,522 child protective investigators (CPIs).<sup>17</sup> This data does not include information on the degrees of those investigators in the 6 county sheriff's offices. Approximately 10 percent of the department's CPIs have a social work degree (BSW or MSW). See table 1 below:

**Table 1. Degrees of DCF Child Protective Investigators**

<b>Degree</b>	<b>Number</b>	<b>Percent of Workforce</b>
Other	388	32.0%
Criminal Justice	361	29.7%
Other Health and Human Service	350	28.8%
Social Work	115	9.5%
<b>Total</b>	<b>1,214</b>	<b>100%</b>

There were 4,728 students enrolled statewide in programs leading to a bachelor's or master's degree in social work in the fall of 2012 (see table 2).<sup>18</sup> There were 1,684 graduates from the state 14 schools of social work in 2011-2012.<sup>19</sup> The schools of social work are located throughout the state. The bachelor's level program in social work requires a structured internship with approximately 512 hours of supervision by a master's level social worker and 50 hours of coursework. In contrast, a psychology or a criminology major requires no internship and 36 hours of coursework, and a sociology major requires no internship and 30 hours of coursework.<sup>20</sup> See table 2 below:

**Table 2. 2011-12 BSW and MSW Enrollment and Degrees**

	<b>Public Universities</b>	<b>Enrollment</b>	<b>Degrees</b>
1	Florida Agricultural and Mechanical University	356	81
2	Florida Atlantic University	687	171
3	Florida Gulf Coast University	176	65
4	Florida International University	515	171
5	Florida State University	885	333
6	University of Central Florida	709	255
7	University of North Florida <sup>21</sup>	0	0
8	University of South Florida	327	184
9	University of West Florida	285	113
	<b>Private Universities</b>	<b>Enrollment</b>	<b>Degrees</b>
10	Barry University	420	209
11	Florida Memorial University	50	15
12	Saint Leo University	218	50

<sup>17</sup> Data provided by the Department of Children and Families, (Jan. 27, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>18</sup> Informal communication, Florida State University School of Social Work, (Mar. 3, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>19</sup> Data provided by the Florida Board of Governors and the Independent Colleges and Universities for 2011-2012, (Nov. 18, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>20</sup> *Id.*

<sup>21</sup> According to the Board of Governors, the University of North Florida's BSW program was approved for fall of 2013.

	<b>Private Universities</b>	<b>Enrollment</b>	<b>Degrees</b>
13	Southeastern University	70	31
14	Warner University	30	6
	<b>Total</b>	4,728	1,684

During the 2014 interim, the Office of Program Policy Analysis and Government Accountability (OPPAGA) reviewed child welfare systems in Florida and 16 other states with large child populations.<sup>22</sup> Among the issues studied by OPPAGA were the qualifications required by states in hiring child protection workers. The results are as follows:

**Table 3: Qualifications for Child Protective Workers in 17 States)**

<b>State</b>	<b>Any Bachelor’s Degree</b>	<b>Bachelor’s Degree Human Services Field</b>	<b>BSW</b>
Arizona		x	
California			x
<b>Florida</b>	<b>x</b>		
Georgia	x		
Illinois			x
Indiana	x		
Michigan		x	
Missouri		x	
New Jersey	x		
New York	x		
N. Carolina			x
Ohio		x	
Pennsylvania	x		
Tennessee	x		
Texas	x		
Virginia			
Washington			x

In addition, Kansas requires a social work degree.<sup>23</sup>

The impact of child welfare workers with a social work degree has been examined by researchers. Education is the variable that child welfare workforce researchers have explored most often in relation to performance.<sup>24</sup> Much of the research on the effect of education has

<sup>22</sup> OPPAGA, *Research Memorandum, State Child Welfare Systems: Key Components and Performance Indicators*, March 10, 2014.

<sup>23</sup> Informal communication, Florida State University School of Social Work (March 3, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs\_

<sup>24</sup> *Id.* Several studies have found evidence that social work education, at either the bachelors of social work (BSW) or masters of social work (MSW) level, positively correlates with performance. A study conducted in Maryland public child welfare agencies found an MSW to be the best predictor of overall performance as measured by supervisory ratings and employee reports of work related competencies. A national study that measured competencies related to 32 job-related duties found that both MSW and BSW staff were better prepared for child welfare work than their colleagues without social work education. Research conducted with staff in Kentucky’s public child welfare agency also revealed that staff with social work degrees scored significantly better on state merit examinations, received somewhat higher ratings from their supervisors, and had

focused on the agency-university partnership programs that have been established over the past decade using federal funding provided by Title IV-E of the Social Security Act. While there is variation among these programs, they generally aim to increase educational opportunities for agency staff to add to the pool of potential child welfare employees and enhance the relevance of curricula in schools of social work. Research to examine their effects found that students score significantly higher on measures of job-related competencies. Graduates of the specialized child welfare program in New York State, for example, had higher levels of skills, confidence, and sensitivity to clients.<sup>25</sup>

## **Issues Identified in Child Abuse Deaths**

### ***Agency Structure and Stability***

Since 1998 the department has had eight secretaries with more changes soon to come. In July 2013, the agency secretary resigned<sup>26</sup> and an interim secretary was named who has agreed to remain through the 2014 Legislative Session.<sup>27</sup> With each new secretary typically comes a new vision and a new strategic plan that includes substantial changes to both the structure of the agency and staff assignments that result in constant disruption to the functioning of the agency. Couple the frequent changes in department leadership with changes to federal and state law and changes in rules and operating procedures and it is difficult, if not impossible, to achieve long term stability.

Currently, the structure of the department is provided in law which requires the appointment of a secretary, a deputy secretary and an assistant secretary for substance abuse and mental health. The law also provides that department offices may be consolidated, restructured, or rearranged by the secretary, in consultation with the Executive Office of the Governor, and that the secretary may appoint additional managers and administrators as he or she determines are necessary for the effective management of the department.<sup>28</sup>

### ***Child Welfare Workforce Issues***

A number of commissions and task forces have been established over the past 25 years, often after deaths of children from child abuse or neglect. The commissions and task forces have often found that child protective and child welfare staff did not follow procedures or lacked the

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higher levels of work commitment than other staff. A Nevada study showed that caseworkers who had a social work degree were significantly more likely to create a permanent plan for children in their caseloads within three years than their colleagues without social work education.

<sup>25</sup> *Id.* Also see Lewandowski, K. (1998). *Retention outcomes of a public child welfare long-term training program*. Professional Development: International Journal of Continuing Social Work Education, 1 and Zlotnik, J.L. *Enhancing Child Welfare Service Delivery: Promoting Agency-Social Work Education Partnerships*, Policy and Practice, 2001. Although the evidence related to educational qualifications is not unequivocal, it provides support for social work education as the best preparation for practice in child welfare. These findings tend to be most consistent with regard to graduates of specialized education programs offering enhanced child welfare content and internships in child welfare settings.

<sup>26</sup> Marbin Miller, C. and Klas, M.E., *DCF Secretary David Wilkins Resigns Amid Escalating Controversy over Child Deaths*, TAMPA BAY TIMES, July 18, 2013 available at <http://www.tampabay.com/news/politics/gubernatorial/dcf-secretary-david-wilkins-resigns-amid-escalating-scandal-over-child/2132083> (last visited Mar. 3, 2014).

<sup>27</sup> Koff, R., *Interim DCF Boss to Stay on Through Spring*. TAMPA BAY TIMES, Dec. 11, 2013 available at <http://www.tampabay.com/news/politics/stateroundup/interim-dcf-boss-to-stay-on-through-spring/2156688> (last visited Mar. 3, 2014).

<sup>28</sup> Section 20.19, F.S.

training and ability to perform their duties. The commissions and task forces have recommended ways to improve the qualifications of child welfare staff. Some of the findings are as follows:

The Study Commission on Child Welfare was established by the Florida Legislature in November 1989, after several children died while in state care.<sup>29</sup> At that time, CPIs reported that prior to employment, they worked most frequently in social service/welfare, law enforcement, and in education positions (54 percent); the rest previously held positions as sales personnel, law clerks, real estate agents, and members of the U.S. military.<sup>30</sup> The commission recommended that HRS recruitment CPIs with a bachelor's degrees in social work, child development, or guidance and counseling.<sup>31</sup>

On April 25, 2002, DCF revealed that a child in its care, 5-year-old Rilya Wilson, had disappeared 15 months earlier from her custodial home and had not been seen since. In response, Gov. Jeb Bush appointed a four-member Governors Blue-Ribbon Panel on Child Protection.<sup>32</sup> The panel recommended that DCF compare the performance and longevity of child welfare staff with degrees in social work or other behavioral sciences to staff with other degrees.<sup>33</sup>

In a 2013 Florida case involving a 2-year-old child who died from physical abuse, the Child Welfare League of America (CWLA) was commissioned to study the death and make recommendations. The family included 2 adult women, 5 adult men, and 10 children, including the victim. These people had varying connections and living arrangements throughout the child's life, and the family had 16 reports to the child abuse hotline between 2005 and 2013. The CWLA report stated the family had substance abuse, domestic violence, a "chronic lack of even marginal parental nurturing," developmental delays in several of the children in the home, referrals for services that were not followed through, lack of managerial review, and "many years of systemic failure." In the words of the report, "(c)hanging a checklist or hiring additional staff cannot solve these pervasive problems."<sup>34</sup>

One of the problems highlighted by the various commissions and panels is the turnover of child protective investigator workforce. Experience among child abuse investigators suffers with significant employee turnover. The annual turnover rate of department CPIs has been 32 percent, 19 percent, and 22 percent over the last 3 years. The negative impact of turnover is well known -- increased training costs (\$6.2 million each year) and inexperienced workers.

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<sup>29</sup> *Id.* Also see Lewandowski, K. (1998). *Retention outcomes of a public child welfare long-term training program*. Professional Development: International Journal of Continuing Social Work Education, 1 and Zlotnik, J.L. *Enhancing Child Welfare Service Delivery: Promoting Agency-Social Work Education Partnerships*, Policy and Practice, 2001. Although the evidence related to educational qualifications is not unequivocal, it provides support for social work education as the best preparation for practice in child welfare. These findings tend to be most consistent with regard to graduates of specialized education programs offering enhanced child welfare content and internships in child welfare settings.

<sup>30</sup> *Id.*

<sup>31</sup> Report of the Study Commission on Child Welfare, *Part One Recommendations* (Mar. 1991) (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>32</sup> Governor's Blue Ribbon Panel on Child Protection, (May 2002) (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>33</sup> *Id.* In spite of continuing dialog with the Schools of Social Work statewide, the department does not appear to have made progress towards increasing the number of staff with degrees in social work.

<sup>34</sup> Child Welfare League of America, *Special Review Report re JVM*, submitted December 19, 2013, p. 15.

Child welfare workers with degrees in social work are not immune from turnover. During the period from 2004-2013, FSU placed and supervised a total of 293 interns in child welfare settings in the northwest region of Florida. While many of the interns were hired for positions with the department, their retention within the department was a problem, with few staying more than a few years. As a result, FSU began surveying students leaving employment within the field to determine the reasons for leaving. The top five reasons were:

- Poor overall management/administration by upper level management;
- Lack of professional support from supervisors;
- No respect and lack of feeling valued by supervisors and upper level management;
- Lack of focus on team work, often employees felt like they were pitted against each other by upper level management and supervisors; and
- No support for professional development or advancement.<sup>35</sup>

While students related that caseloads were indeed high at some points and that salaries can always be better, neither of these issues were cited as primary reasons for leaving.<sup>36</sup>

As part of its review of child welfare systems, OPPAGA conducted a series of focus groups with both child protective service investigators and child welfare case managers. They found a variety of problems in the working conditions of CPIs and case managers.<sup>37</sup> These problems included:

A lack of mentoring and management support across the state. Some case managers noted that high turnover rates among workers resulted in supervisors carrying caseloads themselves, leaving little time for supervision or mentoring. In addition, most case managers reported that supervisors' primarily focus on meeting department performance measures, rather than encouraging quality work or mentoring new case managers.

Administrative tasks which detract from the time spent with families and children. Investigators estimated that they spend 60 percent to 80 percent of their time on the administrative requirements associated with each case rather than with families. Investigators stated they could not complete required case-related tasks in the standard 40-hour work week and that they routinely work nights and weekends.

Concern about the sometimes volatile work environment. Both investigators and case managers reported that they are required to go into unsafe neighborhoods and dangerous, violent homes, but they do not feel that the department is concerned for their safety. While investigators can request law enforcement agencies to have officers accompany them, they reported that law enforcement agencies are sometimes not responsive to their requests or that it takes hours for officers to arrive.

Outdated technology. CPIs and case managers reported that electronic equipment has not kept up with technology; for example, they reported they are issued laptop computers that are not enabled for wireless Internet connection. Department-issued mobile phones have poor or no

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> OPPAGA, *ibid.* (Mar. 6, 2014)

reception depending on the investigator's location. As a result, staff must use personal phones at their own expense.

According to the U.S. Administration on Children and Families, a supportive organizational culture is a key ingredient in building a stable and effective child welfare workforce. Core elements of organizational culture include agency leadership, workforce management, supervision, and support. Organizational culture and employee relations significantly influence an agency's ability to recruit and retain staff as well as make long-lasting workforce changes.

A negative organizational culture is associated with higher worker turnover and less satisfactory child outcomes. The culture of some child welfare organizations may be compliance-driven and "fear-based." Organizations are compliance-driven when they emphasize output-related activities such as checking boxes in a process and counting family contacts. Cultures that are fear-based emphasize the consequences of failure, which can be both catastrophic and widely-publicized when a child dies under the state's care or subsequent to an investigation.

### **Efforts to Improve Child Protection**

The state has taken many actions to improve the quality of child abuse investigators over the years. Most recently, the Legislature has made significant investments in child protection and child welfare:

- In the 2010 Session, the Legislature required child abuse investigators and child welfare case workers to be certified.<sup>38</sup> The certification is outsourced and includes testing in child welfare and agreement to a set of ethics.
- In the 2011 Session, the Legislature provided \$11 million to the department to redesign the central abuse hotline.
- In the 2012 Session, the Legislature made several improvements to the child protection system by:
  - Appropriating \$10.8 million to provide additional permanent and temporary child abuse investigators.
  - Appropriating \$7.9 million to improve state's child welfare information system (Florida Safe Families Network, or FSFN).
  - Providing funding to raise CPI salaries by \$4,300.
- In the 2013 Session, the Legislature provided \$4 million for CPI redesign (including sheriff's offices) and \$1.8 million for FSFN.

### **University Partnerships with Child Welfare**

Section 1004.61, F.S., currently directs DCF to form partnerships with the schools of social work of the state universities in order to encourage the development of graduates trained to work in child protection. The University of South Florida for example, coordinates child welfare training in the state. This partnership effort has not proven effective in increasing the professionalization of the DCF workforce as evidenced by the low recruitment and retention of social workers in the child welfare system.

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<sup>38</sup> Chapter 2011-163 Laws of Fla.

The federal government provides both policy and financial resources to states for child welfare services under Title IV of the Social Security Act. One use of such funds is the education and training of child welfare workers. Some states use these funds to create partnerships between its child welfare agency and university colleges of social work. The universities provide the expertise in child welfare research, policy, and practices. They also develop and conduct on the job training to child welfare workers. The child welfare agency, in turn, advises the universities on the content of the training and education in the university so graduates are better prepared for child welfare work.

### **Unlawful Abandonment of a Child**

Adoption is a legal process, but the process is not always followed which can put the child in danger. Beginning on September 9, 2013, Reuters New Service published a five-part series, titled “The Child Exchange,” which exposed how American parents were using Internet message boards to find new families for children they regretted adopting – a practice that has been called “private re-homing.” Reuters spent 18 months investigating eight message boards where participants advertised unwanted children and examined two dozen cases in which adopted children were re-homed.<sup>39</sup> The investigative series found:

- On average, a child was advertised for re-homing at least once a week;
- The average range for children being advertised for re-homing is 6 to 14 years of age;
- Re-homing is accomplished through basic power of attorney documents which allow the new guardians of the child to enroll the child in school or secure government benefits;
- At least 70 percent of the children offered for re-homing on one Yahoo message board were international adoptees;
- Only 29 states have laws that govern how children can be advertised for adoption;<sup>40</sup> and
- The Interstate Compact for the Placement of Children, which is meant to be a safeguard against the improper placement of children across state lines, is often not enforced by law enforcement.<sup>41</sup>

On October 29, 2013, Reuters updated its story by reporting that a bipartisan group of 18 federal lawmakers had submitted a letter to the United States House of Representatives subcommittee overseeing adoption requesting a study by the Government Accountability Office. The study would identify gaps in state and federal laws “related to the oversight and prosecution of wrongdoers in the re-homing of children” and would also identify ways to better support struggling adoptive families.<sup>42</sup> Florida law currently contains no criminal provisions specifically relating to re-homing.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 20.19, F.S., to direct the Secretary of DCF to appoint an Assistant Secretary for Child Welfare to lead the department in carrying out its duties and responsibilities for child

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<sup>39</sup> Megan Twohey, *The Child Exchange*, REUTERS, (Sept. 9, 2013), available at <http://www.reuters.com/investigates/adoption/#article/part1> (last visited Mar. 3, 2014).

<sup>40</sup> Florida is one of the 29 states that have addressed this issue. See s. 63.212(1)(g), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> Megan Twohey, *U.S. lawmakers call for action to curb Internet child trading*, REUTERS, available at <http://www.reuters.com/article/2013/10/29/us-adoption-react-idUSBRE99S1A320131029> (last visited Mar. 3, 2014).

protection and child welfare, and specifies the qualifications for a person appointed to that position. This will increase the expertise within the department for child welfare.

**Section 2** amends s. 402.40, F.S., to clarify the current requirement that persons providing child protective and child welfare services, whether employed by DCF, the sheriff's offices, lead agencies, or lead agency subcontractors, earn and maintain a professional certification for a professional credentialing entity approved by DCF.

**Section 3** creates s. 402.402, F.S., to require that on an annual and statewide basis, 80 percent of all child protective investigators and child protective investigation supervisors hired on or after July 1, 2014, by DCF or a sheriff's office must have a bachelor's degree or master's degree in social work from an accredited school of social work. The bill exempts all personnel employed before July 1, 2014 from this requirement. The bill requires an annual report to the Governor, the President of the Senate, and the Speaker of the House as to the compliance with this requirement. Overtime, this change will ensure that the majority of child protective service investigators and supervisors have the best qualification and education for performing their duties.

**Section 4** creates s. 402.403, F.S., to establish a child protective investigator and supervisor tuition exemption program and sets out the qualifications for obtaining the exemption. The program is for high performing investigators and supervisors who do not have a social work degree. This program will allow current and future child welfare workers without a social work degree to improve their education qualifications.

**Section 5** creates s. 402.404, F.S., to establish a child protective investigator and supervisor student loan forgiveness program and sets out the qualifications for obtaining the loan forgiveness. Approximately half of all graduates from the state university system have a student loan debt.<sup>43</sup> The bill allows the department to pay up to \$3,000 per year towards the student loan debt as an incentive for degreed social workers working as child protective investigators or child protective investigations supervisors. This program will help attract and retain child protective investigator and supervisors with a social work degree.

**Section 6** creates s. 827.10, F.S., to create the criminal offense of abandoning a child and provides definitions and penalties. This will provide a better tool for prosecutors to stop the unlawful adoptions currently made in the state, referred to as "re-homing." This practice is illegal and puts children at great risk of abuse or neglect.

**Section 7** creates s. 1004.615, F.S., to establish the Florida Institute for Child Welfare and to set forth the purpose, duties, and responsibilities of the Institute. The institute is defined as a consortium of the state's 14 public and private university schools of social work. The institute is to advise the state on child welfare policy, improve the curriculum for social work degree programs, and develop on the job training for child protective investigators and child welfare case managers. It requires the institute provide a report annually by October 1st to the Governor, the President of the Senate, and the Speaker of the House outlining its activities in the preceding

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<sup>43</sup> Data provided by the Florida Board of Governors, (Feb. 11, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

fiscal year, significant research findings and results of other programs, and specific recommendations for improving child protection and child welfare services.

**Section 8** amends s. 1009.25, F.S., to add child protective investigators and supervisors to the list of persons exempted from payment of tuition and fees at a state college or state university. This change, along with other changes in the bill will allow the department of the sheriff's office to send child protective investigators and supervisors to a university to get a degree in social work.

**Section 9** repeals s. 402.401, F.S. This section is the current provision relating to student loan forgiveness, which the bill makes obsolete.

**Section 10** repeals s. 1004.61, F.S. This is the current provision relating to partnerships between DCF and state schools of social work, which the bill makes obsolete.

**Section 11** corrects a cross reference in s. 39.01, F.S.

**Section 12** provides an effective date of July 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private schools of social work may see an increased enrollment of students as a result of this bill.

C. Government Sector Impact:

The annual cost of an additional assistant secretary and an executive assistant in DCF would be approximately \$260,000. The requirement in the bill that 80 percent of new CPIs and supervisors hold a social work degree should have little or no fiscal impact. Salaries were raised for department CPIs in 2012 and wages are not currently a

significant barrier to attracting and retaining social workers. The cost of the tuition exemption program to the state university system cannot be determined until the number of persons taking advantage of the program is known. There will be costs associated with the loan forgiveness program. The costs will be limited by the amount of funding provided by the legislature. Using the current number of department CPIs (1,522) and an average turnover rate of 24 percent, then an additional 365 CPIs would be hired each year. If all of these new hires are social workers and receive the loan repayment amount of \$3,000, then the annual cost would be \$1,095,000. The establishment of the Institute for Child Welfare would have associated costs depending on the structure or the institute. Similar consortiums of Florida universities can cost between \$500,000 and \$2 million according to the Florida Board of Governors. Additional federal Title IV E training funding may be available to cover the cost.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.19, 39.01, 402.40 and 1009.25.

This bill creates the following sections of the Florida Statutes: 402.402, 402.403, 402.404, 827.10, and 1004.615.

This bill repeals the following sections of the Florida Statutes: 402.401 and 1004.65.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.