



## Florida's Children First calls for Thoughtful Reform of Florida's Child Welfare System.

We know two things to be true.

First, every day, in every part of the state, at-risk children and families are provided high-quality, appropriate and timely services by Florida's child welfare system. As a consequence, families remain together or children who cannot live with their parents are placed in safe, loving and nurturing homes, and many children get the educational, medical and mental health services they need to help them grow into strong, self sufficient adults.

Second, every day, some children and families do not receive timely, appropriate and effective services and supports. The consequences of these failures by Florida's child welfare system can range from mildly irritating to deadly.

The recent high-profile cases in Miami, Delray Beach, Tampa, and Charlotte County are the most drastic manifestations of the systemic failures we learn about daily in our work at Florida's Children First. We whole-heartedly concur with the sentiment of the general public demanding that our child welfare system do better for children now! But we also have the perspective to see that there are many significant advances in the system of care that must be carried forward and not discarded in a push to reform.

The Barahona panel has issued its report, and Secretary Wilkins will respond next week –initiating what we expect will be a thorough and conscientious review of how to improve the child welfare system. We urge the Legislature, the media and all interested Floridians to keep these principles in mind in shaping the debate on child welfare reform.

### **1. Changing the Structure of The Child Welfare System will not “Fix” It.**

Many of our board members opposed the privatization of child welfare when it was first proposed. Others were cautiously optimistic. And today we still hold a variety of opinions about whether privatization is best for Florida's children. But there's no doubt that the state-run system we came from also had substantial problems – and there is no guarantee that returning to a state-run system will cure the ills. Moreover, the upheaval that would be caused by undoing privatization will only mask the real problems that need to be addressed immediately. Even if the state ends privatization, children cannot wait to see if things will improve in a state-run system.

### **2. Reform Must be Grounded in Evidence-Based Practice – Not Knee Jerk Reactions.**

The child welfare precepts that DCF is currently requiring of its contracted providers are evidence-based practices. Research makes it clear that children do

best when living in a family – preferably their family of origin if they can remain at home safely - with services when needed. Child welfare must concern itself with the overall well-being of the child, not just physical safety. We could take children from every parent suspected of abuse or neglect and lock them in their own room where they physically safe from abuse. They would be “safe” but emotionally devastated. Children grow and flourish in family settings with people who love them. Florida must employ best practices so that the decision makers have the best information possible to make key decisions about removal and placement. Phrases like “when in doubt, yank ‘em out” or “bring back orphanages” have no place in our child welfare system. DCF has established partnerships with well-renown national partners like Casey, the National Youth Law Center, Eckerd Family Foundation and others that bring expertise and evidence-based practice to the work. These partnerships must continue so that Florida can be on the cutting edge of child welfare improvements.

### **3. There Are No Sacred Cows And No Magic Bullets**

Every aspect of our child welfare system can do better. Each tragedy may focus attention on one particular aspect of the system - case management, child protective investigation, foster home overcrowding, etc. But the opportunity for disaster arises out of every quarter. The role of every participant in the system should be examined when we fail children, including attorneys, Guardians Ad Litem and judges. In recent years the Florida courts have made tremendous improvements in practice and procedure relating to children. Yet many of our dependency courts are still staffed by brand-new “baby” judges and those out of favor with the Chief Judge, rather than judges who want to be there and are willing to learn how to be excellent child welfare judges. Likewise, Guardians ad Litem often provide an invaluable service to children and the court – but not always. It is time for Florida’s GAL program to adopt the mantra of transparency and accountability that helped move DCF forward. DCF’s Children’s Legal Services model of representation has made significant strides in ensuring that the courts are focused on the child’s needs, not the protection of the Department. But many of DCF’s contracted legal services providers are not providing the same quality of representation as DCF’s staff attorneys.

Finally, FCF has long advocated for the right and ability for children to be represented by counsel in the child welfare proceedings. We see evidence every day of the great results attained for those children fortunate enough to be represented by counsel. (To the best of our knowledge, no child who had an attorney has been killed or severely injured in care). But we know that the appointment of an attorney is not a magic bullet. Lawyers for children must be highly trained, supervised, and provided with the appropriate resources to do a good job.

### **4. Transparency and Accountability are the Watchwords of Reform.**

True reform cannot be achieved if all of the persons responsible for serving children and families are not accountable for their work and their outcomes. Florida’s community based care system by its design involves a “lead agency” and numerous

sub-contracted providers in the services provided to children. Each lead agency is free to set up its system of care in a configuration that works best in its community. But at the end of the day, DCF and the lead agency are responsible for every child in care. DCF has made great efforts to open its files, identify its mistakes and work toward solutions. Not all of its providers are eager to do the same.

#### **5. DCF Must Increase It's Oversight of Its Contracted Providers.**

Quality assurance, contract monitoring and management are the tools that DCF has to make sure the lead agencies are doing the job. In recent years DCF has loosened the reins on the lead agencies. It is time to pull back. DCF must enhance its efforts to oversee the performance of the lead agencies. The Governor's proposed budget, issued before the tragic case of Victor and Nubia, would cut into the meager staff available now to monitor performance. Those cuts should not be made and oversight efforts should be redoubled. Moreover, DCF should enhance its oversight by providing training on child welfare oversight to the board of directors for each lead agency. There is a great value in having community leaders from a variety of backgrounds serve on boards. It is imperative, however, that they know what questions to ask and what data to review in exercising their fiduciary obligation as board members.