Interim Report of the Spring Term 2001 Grand Jury

Your Grand Jury has met 28 times and heard testimony from 102 witnesses in conducting a review of foster care and related matters of the child welfare system here in Broward County. A previous Grand Jury, the 1998 Spring Term Grand Jury, conducted a similar investigation. Its report identified and discussed many of the problems and shortcomings which have been plaguing the system in Broward County for many years. The 1998 Spring Term Grand Jury also expressly requested a subsequent Grand Jury determine what, if any, progress has been made since that report. Here is our report.

Following an introductory discussion of the Dependency Court framework, we will discuss what changes have occurred since the 1998 Spring Term Grand Jury. We will discuss how those changes have affected the system. We will then identify what appear to us to be the greatest problems still facing the child welfare system and how and to what extent these problems have been addressed. This report will also discuss the status of the system and attempt to answer the following question: are our dependent children better or worse off than they were in 1998? Finally, we will offer our comments and our recommendations about improving the child welfare system.

The child welfare system here in Broward County should be, but in many areas is not, a quality system of care. Second, the child welfare system is in a state of transition. It is likely the entire system will be much different two (2) years from now. Third, there are encouraging signs of reform and improvement, yet the system has not fundamentally changed. The past three years have been a time of turmoil, confusion, and disruption for the Department of Children and
Families in Broward County. Stability, organization, and common sense, hallmarks of successful public systems, are lamentably absent from Broward County’s child welfare system.

A. Overview of Chapter 39

Dependency issues in Florida are governed by Chapter 39 of the Florida Statutes. It would be helpful first to provide an overview of that chapter before discussing child abuse investigations, foster care, and other related topics of the child welfare system.

In the first section of Chapter 39, the Florida Legislature set out the principles underlying the child welfare system:

To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state’s care

F.S. 39.001(1)(a)

In addition, “recognizing that most families desire to be competent caregivers and providers for their children and that children achieve their greatest potential when families are able to support and nurture their growth”, the Legislature established the following principles to govern intervention by the Department of Children and Family Services’ child protection system:

1. The health and safety of the children served shall be of paramount concern.
2. The intervention should engage families in constructive, supportive, and non-adversarial relationships.
3. The intervention should intrude as little as possible into the life of the family, be focused on clearly defined objectives, and take the most parsimonious path to remedy a family’s problems.
4. The intervention should be based on outcome evaluation results that demonstrate success in protecting children and supporting families.

F.S. 39.001(1)(b)

The safety and well being of the child are the most important considerations of the child welfare system.
The interaction of the Department of Children and Family Services, hereinafter DCF, with a family begins in nearly every instance with a call to the child abuse Hotline. An allegation of abuse, neglect, and/or abandonment of a child will trigger a referral to the child protective investigative agency in the DCF district where the child is presently residing. For District 10, which encompasses Broward County, the Broward Sheriff’s Office, hereinafter BSO, is responsible for conducting all child protection investigations of alleged abuse, neglect, or abandonment. From July 1, 2000, to June 30, 2001, BSO received a total 16,936 referrals from the Hotline. This was the third-highest total in the state. This is also a forty (40) percent increase over 1998.

Abuse is defined by Florida Statute 39.01(2) as “any willful act or threatened act that results in any physical, mental, or sexual injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional physical, mental, or emotional health to be significantly impaired.” F.S. 39.01(2). Neglect occurs “when a child is deprived, or is allowed to be deprived, of necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.” F.S. 39.01(45). Abandonment means “a situation in which the parent or legal custodian of the child, or, in the absence of a parent or legal custodian, the caregiver responsible for the child’s welfare, while being able, makes no provision for the child’s support and makes no effort to communicate with the child…sufficient to evince a willful rejection to parental obligations.” F.S. 39.01(1).

A call to the child abuse hotline must be made by anyone who knows or has reasonable cause to suspect that a child is abused, neglected or abandoned by a parent, legal custodian,
caregiver, or other person responsible for the child’s welfare. Chapter 39 also specifies certain professionals must report such abuse, neglect or abandonment. They are:

1. Physicians, chiropractors, nurses, hospital personnel.
2. Other health or mental health professionals.
3. Spiritual healers
4. School teachers or other school
5. Social workers, daycare workers, or other professional child care, foster care, residential or institutional workers.
7. Judges

Failure to report by such professionals is a criminal offense, punishable as a misdemeanor. Deliberately false reports of abuse, neglect or abandonment are also criminal, punishable as a third degree felony, however, anyone acting in good faith who makes a report is immune from liability, thus making prosecution of any but the most flagrant instances of false reporting very difficult.

Once the report is referred to the investigative agency for child protective investigations, that agency must commence an investigation. In Broward County, as noted, BSO is the agency which investigates such referrals. In situations where the harm or threatened harm is great or where the victim is especially vulnerable, the investigation must begin immediately. Other less urgent situations must begin within twenty-four (24) hours. By statute, the investigation must conclude within sixty (60) days. F.S. 39.301(14).

The investigator determines that the allegation is either verified, not verified, or partially verified. Most allegations, between fifty (50) and sixty (60) percent, are determined to be not verified or unfounded. If the allegations are founded, then the investigator must determine whether or not to remove the child. Again, the primary consideration is the safety and well-being of the child.
If the child is removed, there must be sworn testimony establishing probable cause to support a finding that child abuse, neglect, or abandonment has occurred, or that the child is in imminent danger of such maltreatment. In addition, there must be a judicial review, called a shelter hearing, within twenty-four (24) hours of the child’s placement into custody. At this shelter hearing, the parents must be given an opportunity to be heard. It is important to note that if “appropriate and available early intervention or preventive services” are available and can be provided so that the child could safely remain at home, the child may not be removed or continued out of the home. F.S. 39.402(7). Furthermore, if the court concludes that danger to the child has passed and the reasons for removal remedied, the child may be returned to the home. If it is determined by the court that there is not probable cause to support removal of the child, then the child is returned to his or her parents or legal custodian.

In Broward County there has been a decrease in the filing of Shelter Petitions since 1998. In 1998, 1394 Shelter Petitions were filed. The 1999 totals were 1315. In 2000, that number declined to 1016, or twenty-seven (27) percent less than the 1998 totals. In this period, the number of allegations of abuse, neglect or abandonment increased by forty (40) percent.

If the Shelter Petition is granted by the court, a petition for an adjudication of dependency is filed. A child found to be dependent means that a court has found the child was abused, abandoned or neglected by the child’s parents or legal custodians or has been surrendered to the Department, a licensed child caring agency, child placing agency, or voluntarily so placed. That petition must set forth with specificity “the acts or omissions upon which the petition is based.” It must be filed within twenty-one (21) days after the shelter hearing. Again, the parents or legal custodian must be given the opportunity to be heard.

Arraignment on the issue of dependency must occur within twenty-eight (28) days of the shelter hearing. At this hearing, the parent or legal custodian admits, denies, or consents to the
findings alleged in the dependency petition. If the parent admits or consents, a disposition hearing must be held within fifteen (15) days of the arraignment. If the parent or legal custodian denies the allegation, then a disposition hearing must occur within thirty (30) days of the arraignment.

It should be noted that a petition of dependency may be filed irrespective of whether a child has been removed from the home. In instances where the child remains at home and preventive services have been placed into the home, a petition for adjudication may still be filed if there are grounds for believing that the child is dependent.

Between 1998 and 2000, the total number of petitions for adjudication of dependency in Broward County has decreased by 8 percent. In 1998, 1245 were filed; in 2000, 1152 were filed, according to DCF statistics.

At the disposition hearing, the Department must establish by a preponderance of admissible evidence to a judge in a non-jury trial that the child is dependent. If the court finds that the evidence has not met this standard, the petition for adjudication of dependency is denied.

If the court finds that a preponderance of evidence supports a finding of dependency, then DCF must file a written case plan and predispositional study, per F.S. 39.521. The court may impose requirements upon the parents to participate in treatment and services which it identifies as necessary. F.S. 39.521(1)(b). Review hearings must be held by the court within ninety (90) days of the disposition hearing. Also, if the child has been removed from the home, the first judicial review hearing must occur within six (6) months of that removal, regardless of whether the disposition hearing has taken place.
Permanency is the goal of the Dependency Court System. That goal must be reached within twelve (12) months. Reunification of the child with the parents is the preferred objective. However, that is not always in the best interests of the child. The court must then decide which of the following is the most appropriate permanency arrangement: long-term relative placement; adoption; guardianship; or independent living. Long-term foster care, except under the very specific rules of F.S.39.623 (long-term licensed custody) is no longer an appropriate permanency plan, according to a top DCF Administrator.

If reunification is inappropriate, and unless the parent consents to one of the approved permanency arrangements, a termination of parental rights proceeding is held. The procedural requirements of that judicial action are detailed and elaborate. The proceedings themselves can be lengthy and protracted. The trial, which is called an Adjudicatory Hearing, is confidential and closed to the public. If the court finds that the “manifest best interests of the child” require termination of parental rights, it then enters its findings in what is termed an order of disposition. The parents have the right to notice, the right to counsel, and the right to appeal any termination of their rights. Once parental rights have been terminated, the child becomes eligible for adoption, long-term Relative Care, Guardianship, or Independent Living. In District 10, the parents of 454 dependent children have had their parental rights terminated. There are 316 of these 454 children whose case plan goal is adoption.

A dependency case may be closed under certain circumstances. If the court determines that the reason or reasons for dependency no longer exist and that the child should be returned to the parent, it may do so and terminate the case. However, the court must wait six (6) months after the child is returned before closing the case. If parental rights have been terminated by the court, and the child is subsequently adopted, that adoption will terminate the dependency case.
Finally, once the child reaches the age of majority, eighteen (18), the dependency case will terminate, although under certain circumstances, a child may continue in the Independent Living Program beyond the age of eighteen (18).

In Broward County, there were 289 Petitions of Termination of Parental Rights filed in 1998. That number fell to 160 in 2000 or forty-five (45) percent less than the 1998 total, according to the Broward County Clerk’s Office. It is not known whether the reduction is due to a greater number of reunifications, more parental consents to alternative permanency plans, or simply a slowdown of the system.

B. Major changes since 1998

There have been several changes in the child welfare system in Broward County since 1998 which have had a major impact. They are:

1. 1. The takeover of protective investigations by BSO.

2. 2. The use of General Masters in Dependency Court proceedings.

3. 3. The increased funding for District 10.

4. 4. The training curriculum changes for DCF

5. 5. The increase in private foster care providers and the decrease in foster care caseloads.

1. Protective Investigations

One of the most significant changes in the child welfare system of Broward County since 1998 has been the takeover of protective investigations by BSO. Whenever there is an allegation of abuse, neglect, or abandonment, protective investigation is begun. The great majority of these investigations originate with a call to the Abuse Hotline, an entity of DCF
located in Tallahassee. The Hotline then refers the matter to the agency responsible for protective investigations in the locale where the child resides. Chapter 39 spells out the investigative procedures:

“Upon receiving an oral or written report of known or suspected child abuse, abandonment, or neglect”, the central hotline shall determine if the report requires an immediate onsite protective investigation.

F.S. 39.301(1)
(emphasis added )

The next sixteen (16) subparagraphs of this section spell out the procedures for such investigations. F.S. 39.301(2) requires that law enforcement will immediately be notified when criminal conduct has been alleged. F.S. 39.702 sets out the investigative procedures for allegations of abuse, neglect, or abandonment in institutions. F.S. 39.3065 specifies that in Broward County, Broward Sheriff’s Office will perform protective investigations.

In 1998, protective investigations were done in District 10 by the Department of Children and Family Services. The 1998 Grand Jury Report was sharply critical of the job being done by District 10’s protective investigators. Investigation after investigation had been routinely closed by DCF without proper action until some disaster occurred, thus bringing the matter to the court’s attention. Then it would be learned that the particular crisis had been building for months. The Dependency Judges were also skeptical not only of the thoroughness of the Department’s investigations but also of the Department's motivations as to whether or not placement shortages dictated the results. The judges were concerned for the children who were the subjects of the alleged abuse or neglect. Law enforcement officers also complained that in instances of criminal abuse or neglect, the DCF investigator frequently hampered their investigations by improper interrogations and failures to report obviously criminal behavior to the
police. Protective investigations in 1998 averaged approximately 720 per month, according to that Grand Jury Report.

In 1999, the Broward Sheriff’s Office began negotiations with DCF, to take over protective investigations. The transition began that year and was completed by January 1, 2000. However, the Sheriff’s office, which had budgeted for 700-800 cases per month, soon found they had far too few investigators to handle a rapidly growing caseload. Instead of 700 new cases per month, BSO was getting 1,000, 1,200, and even 1,400 new cases. By law, Child Protective Investigations, hereinafter CPI’s, must be completed within sixty (60) days. Incomplete cases over sixty (60) days old are termed “backlogged”. Beginning in 1998, there were less than 1,000 backlogged cases in Broward County. By December, 2000, that number rose to 5,300 in Broward and 52,000 statewide by December, 2000.

Part of this enormous growth in backlogged cases stemmed from the heightened reporting requirements of F.S. 39.201 which took effect in the fall of 1998. In very few instances is the reporting of abuse or neglect now a discretionary decision, as it was in the past. As noted above, reporting abuse, neglect, or abandonment is now mandatory and if not done, potentially criminal and punishable as a misdemeanor as set out in F.S. 39.205. In addition, many more persons are subject to the mandatory reporting requirements and rarely will professionals jeopardize their licenses by non-reportage.

A second factor contributing to this growth of non-completed investigations is that almost all calls to the Hotline now generate a report. The 1998 Grand Jury noted that critics of DCF in 1998 had cited instances where legitimate complaints of abuse or neglect could not be reported. The critics said that the Hotline operators seemed, either directly or indirectly, to discourage some reports. That alleged practice is no longer occurring. If anything, the same complaint can
be made at different times to different professionals and result in multiple investigations of the same incident, according to several BSO Protective Investigators. We learned this may have occurred in one investigation. There, a child in therapy for trauma experienced years before which resulted in the lengthy incarceration of the perpetrator, told the child’s therapist of the abuse. This resulted in a call to the Hotline from the therapist who had no knowledge whether the matter had been previously investigated. As a result, there was an investigation of a completely closed case. It is not apparent to this Grand Jury how often this occurs. However, it illustrates that the earlier problems of the Hotline not accepting abuse reports and the investigators not investigating abuse reports properly have been corrected. Occasional over-reporting is a far less serious problem than inappropriate screening or outright discouragement of the calls.

In 2000 BSO faced serious problems with inexperienced investigators. Taking few (less than 10) experienced investigators from DCF, BSO had to hire and train its staff in the midst of a huge increase in cases. In addition, BSO faced subtle and at times not so subtle resistance, non-cooperation, and animosity from DCF workers who appeared resentful of the change.

BSO stresses accountability in its CPI work. Each protective investigator reports to a sergeant or a civilian supervisor who reports to a lieutenant. The lieutenant reports to the Commander of the unit who in turn is under the direction of a BSO Major. Nevertheless, with its caseload increasing from 700 to 800 a month to more than 1,300 per month, BSO was hard pressed to assess, analyze, investigate, and appropriately resolve all of the allegations of abuse and neglect which fell within its jurisdiction. Inexperience and turnover also contributed to the difficulties in making the transition.
Top BSO officials have vehemently and correctly insisted that all investigations will be thorough and complete prior to closure. It is perhaps significant that BSO recently hired a former DCF employee who has years of experience in this field to establish a quality assurance program for these investigations.

In addition, BSO and DCF have both attempted to address the backlog problem. BSO successfully sought increases in its staffing. For the fiscal year 2001-2002, BSO has been allocated 118 positions according to DCF officials. This is fifty (50) more than in 1999, and twenty (20) more than in 2000. In addition, BSO in the fall of 2000, established a backlog squad of experienced investigators under the supervision of a veteran child abuse investigative sergeant to address that problem. BSO has reduced its backlog by approximately seventy (70) percent in nine (9) months. The backlog squad was disbanded in June, 2001, and its members reassigned to regular investigative duties.

DCF also helped its statewide protective investigators, which include three (3) other Sheriff’s Offices, to deal with the backlog. It classified the cases in terms of risk to the child to allow prioritization. Each type of case received one of five possible categories of risk assessment. The age of the child, the potential harm, and the parents’ history are some of the factors which affect the risk classification. The younger the child, the greater the risk of harm, or the more significant the prior history of parental involvement with abuse, the higher the category of risk. Both BSO and DCF have informed us that backlogged investigations in the two highest risk categories are near completion and those in the highest category are completed.

There is another reason some protective investigations stay open beyond sixty (60) days. Family intervention services can be placed in homes where suspected abuse or neglect has occurred but removal of the child is not yet imperative. Chapter 39 encourages the use of
programs such as Family Builders if the safety of the child is not compromised. F.S. 39.402(7)
These programs are voluntary and, in the case of Family Builders, take at least 3 months to complete. BSO has greatly expanded its implementation of these intervention programs since July 1, 2000. The families’ progress in such programs must be monitored by BSO. BSO’s protective investigators also must visit the family upon completion of the program and reassess the risks to the child’s safety. As a result, investigations where intervention programs are in place cannot be completed within sixty (60) days.

A veteran child abuse investigator from another law enforcement agency here in Broward County told us that the old problem wherein DCF’s protective investigations sometimes interfered with and sometimes failed to report criminal child abuse has been greatly reduced, if not completely eliminated, now that BSO is conducting the protective investigations.

In conclusion, BSO’s protective investigators are better equipped (with cell phones, laptop computers, and automobiles) and better supervised than their DCF predecessors were in District 10. However, they were also often far less experienced than their counterparts at DCF and in 2000, greatly overworked. The strides made this year by the Child Protection Investigative Unit at BSO should continue. We are encouraged by the addition of an assistant program administrator responsible for overseeing training and instituting quality assurance. In addition, we note that DCF officials from Tallahassee are also confident that BSO has made considerable progress in upgrading the quality of its protective investigations.

2. General Masters

Another significant change in the Dependency Court System since 1998 has occurred with the assignment of general masters to conduct Dependency case reviews. Broward County has utilized two (2) general masters for Dependency cases since 1999. Before 1999, the judge
to whom a case was assigned generally presided over every hearing from the Shelter Petition or Petition for Adjudication (in non-child removal cases) to the close of the case. Florida Statute 39.701 requires that review hearings must occur every six (6) months. At these hearings, the court assesses the progress or lack of progress the family is making to achieve reunification. Specific issues, such as mental health needs or program suitability, are discussed as well as the child’s status. Due to the reality that each of the Dependency Judges of the Seventeenth Judicial Circuit has hundreds of cases, the increasing demand for judicial time created the need for some form of relief to ease the crowded dockets. As the 1998 Grand Jury Report noted, litigants and witnesses sometimes waited hours for their cases to be called as our dedicated but overworked judges attempted to address each case. The review hearings, which can range from merely routine to complex and demanding, were deemed the most likely to be successfully delegated to a general master.

The general masters have proven to be a success. These general masters are organized and knowledgeable and have conducted hundreds of hearings. Not one person who testified was critical of our current general masters. Despite the potential for fragmentation of a case, usage of the general masters does not appear to have resulted in disjointed, uncoordinated case reviews. The general masters can communicate with one another electronically about their cases and with the judges presiding over their cases.

Although a general master can only make recommendations to the presiding judges, these findings carry a presumption of validity and are commonly approved by the judge. It is not unusual for a general master to conduct twenty (20)-twenty-five (25) review hearings per day.

3. Department of Children and Family Services’ Funding of District 10
The 1998 Grand Jury determined District 10’s out-of-home care was under-funded. As had long been asserted, District 10 was not receiving its fair share of the DCF budget. The 1998 Grand Jury noted District 10 received 8.5% of the state budget for out-of-home care, or $7,318,907. In contrast, Miami-Dade County, which in 1998 had approximately 13% of the states’ out-of-home care children, received $17,602,019, or nearly 20% of the state’s funding. Beginning in 1999, DCF began analyzing the district budget allocation method. A senior DCF official familiar with the Department’s budget testified that the system in place in 1998 relied on outdated statewide statistics. In addition, this official told us there was little documentation explaining the state’s original allocation methodology. The Department, to its credit, has attempted to institute funding reform, implementing what has been labeled the “Fair Share” model of allocation. The goal of this methodology is to narrow the range of disparity in funding among districts. As this financial expert told us, it would be extremely difficult to adopt a “full equity” system immediately, as this would be very disruptive to those districts fortunate enough to be on the “good” side of the funding disparity issue. Some DCF programs’ funding is legislatively mandated. Moreover, for apparently the first time in history, District 10, according to DCF statistics, is receiving more than its fair share of the state funding for out-of-home care. As noted in the 1998 Grand Jury Report, nobody is likely to acknowledge his or her DCF district has too much money. Nevertheless, the DCF funding disparity, for the time being at least, is in District 10’s favor. A departmental official explained this is due in part to financial requirements of the settlement agreement of the Ward lawsuit.

District 10 is now receiving $25,361,756 for out-of-home care, according to DCF figures, which is a 340% increase over the 1998 allocation. This calculates to approximately $6,000 per child in out-of-home care (foster care, shelters, relative placements, and group homes), according to DCF’s Administration.
If “full equity” governed District 10’s allocation, its share of DCF’s budget would be $13,030,992, or some $9,000,000 less than the projected expenditures for 2000-2001 for the District’s out-of-home care, and $12,000,000 less than what the District will actually receive, according to DCF figures. The reasons for the “over funding” are (1) the historical under funding of the District, etc., and (2) certain provisions of the Ward lawsuit. It appears from DCF’s calculations in other districts, such as District 2 and District 5, allocation based on complete equity would result in almost double their current allocations. It is very unsettling to contemplate what the state of affairs in District 10 would be if its out-of-home funding were reduced by $10,000,000 to achieve full equity. We are assured by the DCF’s top officials that District 10’s funding is not expected to decrease in the next few years.

In one area DCF concluded it would be very easy and non-disruptive to any district budget to adopt a full equity funding methodology. This is in the area of Child Protective Investigations. Handled by the Broward Sheriff’s Office, Child Protective Investigations are especially suited to this funding concept. Each year, new investigations require the great majority of funds. Unlike foster care, which is often ongoing, this work is generally begins and ends in a few weeks or months. The past year’s investigation statistics are also a good indication of the current year’s needs. DCF has therefore based its Child Protective Investigations budget per district on the district’s previous year’s share of Hotline referrals. District 10 began 14,858 child protection investigations in fiscal year 2000-2001. This amounted to 8.31 percent of the state total of 177,043. District 10 (BSO) had been budgeted for 97 investigators for that time period, or 7.8 percent of the state total. BSO therefore received a slight increase in budgeted positions from DCF to make up this fairly small discrepancy, although a BSO official stated to us that the agency’s staff will remain at the same number for 2001-2002.
It is hoped the huge increases in child protection referrals to BSO which occurred in 1999 and 2000 will not recur. Should this happen, BSO may well need more positions. This is a potential weakness in the equity funding mechanism. If circumstances in one district drastically change midyear, the allocation can once again be grossly disparate. Nevertheless, DCF is to be commended for striving to achieve fairness in funding for child protection investigations.

District 10, in terms of DCF funding, is in the highly unusual position of being envied by other districts. As one District Administrator from an upstate locale remarked, "I wish we had District 10’s funding in our district." It would be nice to say District 10 has exploited this temporary advantage, but as discussed elsewhere, District 10’s lack of direction and organization, not to mention its almost nonexistent cost estimating system, has prevented it from making full use of this opportunity.

Another problem for DCF in its attempt to achieve funding equity is the lack of uniformity in rates paid for services in the child welfare system. Costs can vary for the same services throughout the entire state. We realize equivalent items probably cost more in Miami than in rural Levy County, nevertheless, there is no statewide rate structure. The range of variance for the same or similar services can be very uneconomical. DCF has recognized this problem and is attempting to "tier" its rate system by negotiating for rates applicable to urban areas and rural areas. DCF is also hopeful of moving toward a statewide rate negotiation process. If done properly, this could help DCF save money as well as allow for greater funding equity. There is no economic reason not to do this, however, the process has only begun and is not yet in place.

4. Training Curriculum and Education

Our predecessor Grand Jury criticized the training program for new protective investigators and protective service workers. It was based too much upon classroom lectures
and exercises and had almost no field training or mentoring. In addition, there was a question, in the 1998 Grand Jury’s opinion, as to the content of the curriculum in light of the changes in the child welfare law, the Adoptions and Safe Families Act of 1997 (ASFA). That law change, incorporated into Florida Statutes in Chapter 39. in 1998, places top priority upon the child’s safety. As noted in the 1998 Grand Jury Report, the previous statutory scheme placed family preservation on an even platform with the safety of the child. The old training program did not incorporate the changes in the law, according to DCF’s top administrators.

The curriculum for new family services workers and protective investigators has undergone a massive revision since 1998. It is shorter, with far less classroom time, and immerses the new worker in field work after six (6) weeks of classroom training. In addition, each prospective worker is given a mentor and assigned to a field service trainer as well. The new worker also shadows a more experienced worker and then is given gradual responsibility for a small caseload.

In the past, there was almost no break-in period for new employees. The new worker was often taking over a complete caseload of a departed DCF employee and almost immediately was given full responsibility for thirty (30) to fifty (50) cases. As noted elsewhere, a foster care case can be extremely difficult and complicated. A new caseworker often is not familiar with his or her caseload for six months to a year. The old system, while perhaps better in imparting substantive law and regulations, did little to prepare the worker for the tremendous stresses of his or her new job.

The new curriculum, by all accounts, involves the caseworker or protective investigator in casework very soon. However, the new curriculum has not worked as well as it could have for BSO’s Protective Investigators. The following may illustrate why this occurred. BSO in taking
over protective investigations, hired only a handful of Protective Investigators from DCF. As a result, nearly eighty (80) percent of the approximately fifty-five (55) investigators BSO needed to investigate Hotline referrals would be new to protective investigations. BSO’s supervisors are often police sergeants, not social workers. Criminal investigations are not the same as protective investigations. BSO had good reason for not hiring more of DCF’s staff; many of these candidates could not meet BSO’s stringent hiring standards, (which is in itself a devastating commentary on the quality of the DCF worker). As a result of not having most of DCF’s protective investigators, the protective investigators’ collective experience in social work issues, for better or for worse, was not available to the new workers. There was therefore a paucity of experienced veteran Child Protective Investigators at BSO when BSO began protective investigations. Second, the number of case referrals for protective investigations began to rise rapidly during 1999, the year of transition from DCF to BSO. In 2000, when BSO assumed full responsibility for all new investigations, the Hotline referrals were forty (40) to fifty (50) percent higher than they were in 1998. BSO’s Protective Investigators had caseloads of fifty (50), 100, or even 125 pending investigations. Sometimes, these workers, who themselves were relatively new to the job of protective investigations, would get twenty (20) to thirty (30) new cases per month. BSO therefore had to seek an increase from DCF in its allocation of Child Protective Investigators. That necessitated the hiring of new workers whose field training was supervised and managed often by only slightly more experienced investigators and supervisors. As noted elsewhere, the backlog of cases still incomplete after sixty (60) days increased by nearly 300% in 2000.

Third, in addition to needing new workers to expand its investigative staff to meet the new demand, BSO experienced turnover in its existing protective investigations staff. As investigators began experiencing the intense pressure of not only the job itself, but also of the greatly increasing caseloads, BSO needed even more new protective investigators to replace
those who left because they could not adjust to the stresses of the job. We are glad to report that this crisis now seems well under control at BSO.

The Professional Development Center, the training agency for all new child welfare workers, including DCF and BSO protective investigators, faced an additional challenge besides BSO’s great need for new investigators. As much of the child welfare-foster care became contracted to private agencies, all of those agencies’ workers not yet certified needed to be trained at the Professional Development Center. In addition, DCF expanded its staff of Protective Investigators and of Family Services Counselors both here and in Dade and Palm Beach Counties. As a result, the Professional Development Center greatly increased its teaching staff, classroom sites, and the number of training programs each year, to accommodate this demand.

We have met several new and slightly more experienced BSO Protective Investigators and DCF Family Services Counselors. They had been previously identified by their respective agencies as having done these jobs well. They seem to have several common traits: (1) they are enthusiastic, (2) they are determined to do their jobs as well as they can, irrespective of the hours required, the dangers they may face, their caseloads, or the necessity of learning their jobs by experience, (3) they are very willing to help their colleagues meet agency goals, sometimes even when that help is not only not appreciated but actually resented, and (4) they are driven by genuine concern for the welfare of the children and families they serve. They are all the products of the new Professional Development Center training program.

There is no question that the new Professional Development Center training curriculum, while much more effective than its predecessor, cannot completely train and prepare its graduates to do their jobs. Much of what is needed to know comes from doing the job. As noted
elsewhere, the job requires both diligence and judgment, which of course cannot be taught but must be generated from within. Decisions in this field are often choices between unpalatable alternatives. Poor decisions, or decisions based on inexperience, can result in disaster. For example, failure to recognize a potential threat to a young child from the mother’s paramour can expose that child to danger or even death. On the other hand, too hasty a removal of a child from his or her family can traumatize the child and demoralize the family. It is often a fine distinction that these new workers must make.

We heard practical suggestions on improving the conditions of new investigators or caseworkers. One suggestion for caseworkers is to designate an experienced child welfare worker in each service center to coordinate services and referrals. The current “system”, which provides the new worker with a four (4) inch thick book of service providers and lets the worker find out which ones are good or bad by trial and error or by word of mouth, is counterproductive. Likewise, several BSO Protective Investigators told us that they had difficulty learning how to decipher the complexities of the National Crime Information Computer and Autotrac data systems. The protective investigators must be able to understand the large amounts of data which its technical section generates on the individuals and families being investigated. It is essential that all of its protective investigators understand the often arcane aspects of the NCIC system as soon as possible.

One alleged shortcoming of the Professional Development Center is the absence from its curriculum of a current and updated administrative code applicable to child welfare. DCF’s operations procedure pertaining to the Predispositional Study, a document crucial to the formation of the case plan for each child, is four years old. There have been statutory revisions to Chapter 39 which, we are told, have not been incorporated into the written DCF procedures. Furthermore, the Professional Development Center allegedly does not include instruction on
writing predisposition studies in its curriculum. The protective investigator must learn this on his or her own. From examples we have seen, there can be a great variance in the quality of these studies. BSO has advised us that its own training program is addressing this issue.

In general, however, the Professional Development Center seems to have improved the quality of its curriculum and seems to have responded to the tremendous need for new protective investigators and family service workers. If the training supervisor we met is indicative of the quality of its staff, the Professional Development Center in South Florida may well be in good hands. Nevertheless, DCF plans to upgrade its curriculum again in 2002. According to DCF Administrators, the changes will address at least some of the shortcomings in its curriculum mentioned above.

The biggest weakness of the training programs now seems to have shifted from the Professional Development Center’s curriculum for beginning employees to the continuing education for experienced employees. There is a wide variance in the quality of the internal training at BSO from that of DCF at District 10. While BSO has placed a premium on continuing education and training, by hiring Professional Development Center staff to frequently teach at BSO’s central headquarters, DCF’s internal training program has not utilized this resource systematically. The Professional Development Center staff is reviewing the work done by BSO’s Child Protection Investigative sergeants and supervisors. We are also encouraged by BSO’s decision to institute a quality assurance and in-house training program for its investigators. There can only be improvement if the knowledge and skills of BSO’s staff are increased. In addition, BSO, by every account, has rigorous accountability. Particularly persuasive on this point were those witnesses who switched from DCF to BSO. They told us that whatever accountability there was at DCF depended on the individual supervisor and the individual unit.
BSO has been open to suggestions, demands accountability, and provides continuing education to address problems as they arise.

DCF, on the other hand, has historically demanded little accountability or supervisory oversight. It is very unclear whether changes in the law or policy are disseminated to District 10’s employees, or if in fact disseminated, incorporated into procedures which in fact become the practice of the Family Services Counselors. Although District 10 has a quality assurance program, its effectiveness was called into question by several witnesses who testified. DCF’s past training and continuing education program was not regarded as effective by District 10’s own employees. DCF has pledged to institute practice reforms and to insist on their implementation with training and supervision. Everyone there acknowledges the need for improvement. It can only be hoped that this recognition leads to productive change. Once again, whether or not this occurs can only be determined in the future.

5. Foster Care Changes

There are two (2) significant changes in District 10’s foster care program. The first is a large increase in both the number of foster homes which are operated by private providers and the number of foster care cases which are managed by private providers. The second major change which occurred almost simultaneously with the first is the substantial reduction in the caseloads of all foster care workers, including DCF’s foster care workers. These two (2) changes will be more fully discussed in the Foster Care section of this report.

C. Foster Care

By far the most complicated, difficult, and danger-filled aspect of the child welfare system is foster care. Although foster children comprise less than twenty-five (25) percent of the
children in the DCF’s care in District 10, the cost of foster care is over forty-eight (48) percent of the $25,000,000 allocated to out-of-home care in District 10. In addition, many of our foster children require psychological therapy and counseling which is paid for by Medicaid. Foster care necessarily means that the child is separated from his parents and placed with people the child does not know. Often, the child in foster care lives miles away from his or her friends and neighbors. The foster child can also face new danger in the foster home from other foster children, the foster parents, or even relatives of the foster family. Foster care should result only when the safety and the well-being of the child cannot otherwise be assured.

The safety and well-being of foster children rests upon the shoulders of the court, the Guardian ad litem, and DCF. The DCF usually has the greatest impact on the child’s life. It licenses the foster home. Its workers should visit the child every month and arrange for services. In addition, the foster worker designs and implements the child’s case plan and reports to the court on the progress made toward the case plan’s objectives.

Unfortunately, foster workers, who are now referred to as Family Services Counselors, are often the lowest-paid, least-experienced DCF professional employees. The demands on these workers can be tremendous. Although this Grand Jury has met several excellent foster workers, we have also seen the havoc a poor or lazy foster worker can create. Examples we have seen of the latter type of foster worker are: a foster worker who failed to notify the foster parent of the foster child’s potentially violent tendencies, knowing at the time younger foster children were in the home, and a foster worker who failed to perform a proper home study prior to the placement of children in a home where a known sexual offender lived. Foster care workers and other family services workers are also performing a dangerous job. In a recent DCF survey of its employees, the greatest stress these family services workers identified was concern for their own safety.
The foster parents, who are volunteers and whose reimbursement from DCF can hardly meet the monthly expenses of a foster child, also depend on DCF, especially when a crisis arises with their foster child. We have heard that in many instances, foster parents cannot reach anyone at District 10 to assist them when problems arise. As noted in this report, this lack of assistance can be very detrimental to both the foster parent and foster child.

1. Foster Care Statistics

According to DCF statistics, District 10 (Broward County) had 1,456 children in out-of-home care as of August 31, 2001. This is a decrease of 107 from August 11, 2000, but a substantial increase of nearly forty (40) percent from the 1998 total of 1043. According to District 10 statistics, District 10 had 612 licensed foster homes, including therapeutic foster homes, an increase of 241 over 1998, or sixty-five (65) percent higher than the 1998 total. In addition, according to DCF statistics, a Family Services Counselor’s average caseload is twelve (12) or thirteen (13) per worker, or twenty-three (23) children per worker, which is a tremendous reduction from the past. One veteran child welfare worker told us that five (5) years ago, in 1995-1996, she supervised foster care and protective services workers who were responsible for 65 children, far greater than the Child Welfare League of America’s recommended caseload of fifteen (15) to twenty (20) children. Several DCF Family Services Counselors with less than two (2) years’ experience testified that their caseloads were now approximately twenty-five (25) to thirty (30) children, more than the District’s “average”, but far fewer than their counterparts had in 1998. These caseworkers also said that their caseloads had decreased slightly over the past year.

One reason for the increase in foster homes and the decrease in caseloads is that private, non-profit entities have taken over increasingly larger portions of the foster care case management. Agencies such as KIDS in Distress, Family Central, Children’s Home Society,
Jewish Adoption and Foster Care Options, Inc. (JAFCO), and Project Teamwork now case manage over sixty (60) percent of all foster homes, including therapeutic foster homes, and over fifty (50) percent of the regular foster homes. (Also, Children’s Home Society case manages over 245 children placed in other foster homes.) All of the agencies’ representatives who testified told us that they do not permit their caseworkers to manage more than twenty (20) children and that most of the caseworkers manage fifteen (15) or sixteen (16) children.

These private agencies also recruit and train foster parents. Children’s Home Society, for instance, now has fifty-six (56) foster homes housing fifty-three (53) children. KIDS in Distress now has seventy (70) foster homes and seventy-five (75) foster children. JAFCO has twenty (20) foster homes as of May, 2001, and is planning the construction of an emergency shelter. The private agencies also provide wrap-around services, that is, supportive efforts, counseling, respite care, and therapy, to their foster families. DCF in the past has been criticized for not providing these services regularly to its foster parents. In addition, the private agencies’ foster parents are often part of a mutually supportive, collegial group that help each other.

Another major reason for the increase in foster homes and the reduction in caseloads is that DCF has increased District 10’s funding for out-of-home care by 340 percent. This increase has allowed private agencies to assume a greater role in the family services field and to reduce caseloads for all foster care workers, including DCF’s Family Services Counselors. District 10 has maintained its family services staffing levels despite the substantial drop in the percentage of children served by DCF.

The following is a breakdown of District 10’s Children in out-of-home care: 0-5 years old, 364; 6-12 years old, 555; 13-15 years old, 307; 16-18 years old, 317; and over 19 (the Independent Living children in college or post high school education), thirty (30). Those totals
include the sixty-two (62) children in Independent Living and the approximately sixty (60) to eighty (80) runaway children.

2. Services Shortfall

Foster care in this county is hobbled by shortages of several crucial services. Repeatedly we have heard that children have to wait weeks and occasionally months for critically important evaluations. For example, we know of only one provider in District 10 for psychosexual evaluations for dependent children. Given the high numbers of children whose past sexual abuse at the hands of their parents and/or caretakers has resulted in severe psychological problems, the availability of these exams and subsequent therapy and counseling are vital to the children’s well-being and to the stability of the children’s placement in foster care. Another service in short supply is general psychological evaluations. Once a child has been identified as needing such care, the wait again is often weeks or months before evaluation or treatment begins. As noted, foster children are in care mainly because of terrible things done to them. The percentage of foster children who need thorough psychological evaluation and treatment is much higher than for the general population of children. However, the medical resources, that is, those doctors who will accept the Medicaid stipend, appear to be very limited. The consequences of this can be incomplete assessments and undiagnosed or untreated conditions, resulting in an even more unstable child.

Another general services problem is basic health and dental care. Medicaid underwrites this care for foster children. It is often difficult to arrange continuous care for foster children with the same doctors. It is also difficult for any health provider to coordinate and track these children’s medical history because foster children frequently change foster homes, necessitating a change of doctors. Medically complex cases require, at a minimum, full knowledge of the child’s history. This information is not always available. One guardian ad litem testified that he
had attempted for months to obtain complete medical records for his wards who had been
treated by a host of different physicians. Some of these physicians were not always aware that
other doctors had been treating these children. Finally, with the aid of an attorney ad litem, he
was able to get at least most of the known records to help ensure coordinated medical care.

DCF acknowledges a shortfall in dental care providers. This may be addressed soon
with a proposed agreement between Nova Southeastern Medical School and DCF for dental
care.

An ongoing controversy is whether psychotropic medication is being properly prescribed.
Given the controversy concerning the alleged over-prescription of psychotropic medication to
dependent, and in particular foster children, the absence of complete medical records is very
disturbing. Does the physician prescribing psychotropic medicine know what, if any, medications
the foster child has been prescribed? If not, then our foster children are not only receiving poor
care, they may also be endangered. As will be discussed elsewhere, our foster children may
need a central medical facility to coordinate their medical care.

3. The Failings of the Foster Care System in District 10

The 1998 Grand Jury cited many shortcomings in the foster care system. A lack of foster
homes, high caseloads, extreme rates of staff turnover, funding shortfalls, and various foster
home “horror stories” comprised that Grand Jury’s Report’s bleak portrayal of our district’s foster
care. In 2001, there seems to have been some improvement. As noted above, the average
caseload is much smaller than in 1998. There are more foster children, according to DCF senior
officials, than in 1998, but that increase has been offset by the increase in foster homes. As
noted, the caseloads are smaller. In addition, staff turnover has decreased at District 10. In
1998, DCF reported that the turnover rate at District 10 was thirty-eight (38) percent. In 2001,
the rate decreased to eighteen (18) percent. There are dedicated and talented foster care workers like the ones who testified before this Grand Jury.

Given these signs of progress, why then do the critics of District 10 so harshly criticize the quality of care given our foster children? The foster care program has many problems. Some of the more serious problems became evident after a national expert studied foster care at District 10.

4. Quality Service Review

The DCF, in its Settlement Agreement of the class action lawsuit, agreed to hire experts to analyze District 10’s foster care system. To our knowledge, no independent study of District 10 had ever been done. This study, entitled Qualitative Service Review Findings, was done by The Child Welfare Policy and Practice Group, an Alabama-based entity led by Paul Vincent. That entity has also analyzed aspects of the child welfare system in ten (10) other states. Its report, released April 27, 2001, has been described by one advocate of reform of our system as very polite in its wording, but devastating in its assessment of District 10’s foster care system. The study closely analyzed thirty-six (36) cases taken at random from District 10’s files plus the eight (8) cases which involved the named plaintiffs in the class action suit against DCF, Ward v. Kearney. We urge all persons interested in our child welfare system to read and consider the Quality Service Review’s study of District 10.

The Quality Service Review sets out both the system’s strengths and weaknesses. The strengths outlined in that study are: District 10’s awareness of the system’s problems; District 10’s intentions of improving the system of care; the present effort to improve that system; and several accomplishments, namely, reductions in caseloads due to privatization and reductions
in the number of children sleeping overnight in DCF’s offices. This is not an impressive array of strengths.

The study also identified shortcomings. These are indicative of a system that has tremendous problems. One major problem is that District 10 has done a poor job constructing relevant and coherent case plans for its foster children. Case plans are vital to the achievement of goals in foster care. Chapter 39 devotes an entire portion to case plans.

However, as the Quality Service Review noted, District 10’s case plans were often poorly formulated. In one case plan analyzed in the Quality Service Review, the child’s biological father was still part of the current case plan even though the father had been absent from Broward County for four (4) years. In another case plan, the goal was reunification, although the mother’s parental rights had already been terminated. In a third case plan, the stated goal was the termination of parental rights. However, the case plan included tasks for the mother to perform to permit reunification with her child. A fourth case plan was thirty-seven (37) pages long and had been unchanged for over two (2) years despite major changes in the foster child’s life.

The Quality Service Review also criticized many case plans as “cookie cutter” and “one size fits all”, citing numerous instances where everyone was assigned the same or similar tasks regardless of the relevance of such assignments. It is very apparent to this Grand Jury that too many case plans have been prepared without regard to the foster child or the child’s biological family’s needs or concerns. Even more apparent is the fact that no supervisor was conducting meaningful reviews of these case plans.
The study also noted that District 10 has failed to properly assess the strengths, needs, and risks to the foster children and their biological families. The study questioned whether the group of professionals providing services to a particular foster child possessed the necessary collective technical skills, knowledge of the family, and access to resources to organize effective services for families with complex needs.

The Quality Service Review noted that District 10’s performance in engaging the child and the biological and/or foster parents in any meaningful way was deficient. We asked a national expert in foster care why District 10’s foster caseworkers failed to implement such obviously beneficial practices as inclusion of the foster child’s biological family in discussions and plans for the child and formulation of relevant and clearly identified case plan goals and objectives. The expert could not explain this failing.

It is clear that those caseworkers who fail to plan properly or to consult with the child and the family, where appropriate, in constructing case plans, are actually making their jobs more difficult. It would seem logical that any caseworker would immediately address the questions of where the child is ultimately headed and how the child would get there. In addition, inclusion of the family in the plans for their child would likewise seem to be an obvious way to defuse the anger, hostility, and lack of cooperation these families all too often feel towards the caseworker and DCF. Any caseworker would want to lessen a family’s animus towards him or her by every legitimate means, especially where the case plan’s goal is reunification. Reunification usually cannot occur until the families reform or change their behavior. The families’ anger and hostility, or even their feelings of alienation, will slow their acceptance of the need for change. The foster worker’s job is difficult, but we cannot understand why District 10’s caseworkers seem to make it even more difficult. By no means are we suggesting that the child’s biological family’s wishes and opinions be accepted automatically, only that when reunification is the goal, the family’s
views would seem to be vitally important to the formation of their child’s case plan. District 10 historically has had a very low percentage of reunification of children with their families within one (1) year of the children’s entry into foster care.

The Quality Service Review attempted to identify where District 10’s foster care was breaking down. One key area was the absence of a procedural structure governing how the system functions. Critics of District 10 have testified that the system of foster care is really management by crisis.

Another important observation of the Quality Service Review is that there is no expectation that nationally recognized “best practices” will be followed. Best practices are defined as those standards of practice which have been set by social work accrediting bodies and which are recognized as effective and appropriate. In District 10, neither the caseworkers nor their supervisors are required to produce results consistent with best practices. The explanations offered by the caseworkers and supervisors were “too many cases”, “too much work”, and “too much time spent in court”. The reduction in caseloads should eliminate these excuses in the future.

Serious consequences can result from this lack of direction and focus. In one of the more poignant examples cited by the Quality Service Review team, the foster child had lived in the care of DCF for five (5) of her seven (7) years. She had been separated from her siblings and had been relocated frequently. Her placement history reflected “a steady decline in her quality of life over the course of DCF’s involvement”. She began foster care in a relatively problem free existence in a foster home. She now lives in a residential treatment facility, one of the most expensive facilities in the out-of-home care system.
Top DCF officials testified that they intend to reform foster care practice here in District 10. They pledged to address the problems set out by the Quality Service Review and to implement the recommendations of that study. These officials also plan improvements in District 10’s foster care practice. This Grand Jury is very tempted to state that other promises of reform and improvement have been made before, but not necessarily kept by DCF and District 10 in the past. The evidence to date, unfortunately, is that major improvement has not yet occurred. We do take some encouragement from DCF’s willingness, at least as expressed to us and to the federal court in its most recent pleadings, to be judged on its performance. Specifically, DCF has requested in its pleadings that the federal court hold it accountable for the following criteria: (1) whether the median length of stay in out-of-home care has decreased; (2) whether more children in care achieve permanency within twelve (12) months and whether they maintain that permanency without being abused or neglected again; (3) whether children in care are safer from abuse or neglect than previously; (4) whether foster caseworkers visit their client children in care regularly; and (5) whether the foster children, where appropriate, visit their biological families regularly. These criteria, according to the testimony of several child welfare experts, are critically important to the quality of care of foster children. Improvements in these areas correlate to overall improvement. It seems that this is the first time DCF has been willing to be so specifically accountable.

5. Issues in Out-of-Home Care

Two problems with out-of-home care practice came to our attention in the Quality Service Review. The first concerns the use of involuntary hospitalization to prevent the child from harming himself or others (“Baker Acts”) and the prescription of psychotropic medication for foster children apparently as a means of behavioral control. In one case studied by the Quality Service Review, the reviewer noted, “the child has been Baker Acted so often that it has lost its meaning and has become a tool to manage behavior”. In another case reviewed by the
Quality Service Review, the child had been Baker Acted four times without receiving clinical mental health treatment. It appears that the Baker Act may be used far too often. The question of the alleged misuse of psychotropic medication is also currently under review by a State panel of experts, however, we are disturbed by the allegations of questionable usage.

The second problem deals with District 10’s apparent proclivity to place young children in shelters for long periods of time. Every child welfare system participant who testified said that long-term shelter for children under the age of six (6) is undesirable. We heard that these young children who are placed in shelters cannot as easily form attachment bonds as children placed with appropriate foster families. Moreover, young children are more easily adopted. Their need for permanence as soon as possible plus their adoptability makes it critical to reunite them with their families or make them eligible for adoption as soon as possible. According to the Quality Service Review, District 10 is not doing this.

6. Recruitment of Foster Parents

DCF in District 10 has never been able to get sufficient numbers of good foster homes, particularly for children with behavioral problems. One problem is that according to witnesses’ testimony, DCF does not know, or has never forecast, how many foster homes it actually needs in any given fiscal year. One provider told us that they were asked to train foster parents by DCF. They now have foster parents in training but no existent contract with DCF to enroll these people once they are eligible to become foster parents. DCF could not tell this foster parent recruiting agency how many homes they needed, just that they needed some number of homes. One child welfare care observer told us that the cost to recruit a foster parent is approximately $10,000. This takes into consideration the cost of the foster parent training course, called MAPP (which stands for Model Approach to Partnership in Parenting). In addition, there are costs associated with the background checks, the home studies and licensing requirements.
According to representatives from private foster care providers, at least one half of all foster parent (MAPP class) attendees drop out without becoming foster parents. Some attendees drop out because they are ineligible, some because they realize they are unsuited for the task, and others because they are reluctant to take on the great responsibility of being a foster parent.

DCF advertises, distributes leaflets, and sends out speakers to enlist foster parents. However, this might not be the best marketing tool. The private agencies which have been successful tell us that their best recruiting tools are often their own foster parents. These parents inspire their neighbors, friends, and family to join them. A large church also has had tremendous success in recruiting foster parents. Since 1998, Calvary Chapel has helped eighty-five (85) families become foster parents. Fifty-one (51) are still licensed, six (6) more are waiting licensure and many have become adoptive parents and are no longer foster parents. Calvary Chapel has a committed pastor and a strong and supportive group of volunteers who baby-sit, provide respite care, act as child mentors, and provide transportation for foster parents and their children.

JAFCO is a religiously affiliated agency. It is one of the very best foster care programs in District 10, according to both current and former Dependency Court Judges. DCF would do well to make greater use of such organizations.

Support of foster parents is crucial to any agency’s efforts to recruit and retain foster parents. Representatives from several private agencies testified that unless they could provide such support, which includes counseling, respite care, and assistance in locating services, they would not bother to recruit foster parents. Too often, foster parents must deal with their foster children’s problems and crises all by themselves. Many foster parents therefore quit out of frustration or from the stress such incidences cause. In addition, many foster parents, once they
adopt a child, stop being foster parents until their adoptive child acclimates to their home. These parents often are unable to care for additional children, at least for a short time, following the adoption.

District 10, in its foster parent recruiting efforts, does not make use of a splendid resource, namely, its own foster parents. Mrs. Janet Hendricks, who is currently president of the Foster Parents Association, is one such asset. Her testimony was very inspirational. Her family’s story should be told throughout the district. We believe that many people would be inspired to become involved with the foster care program and, possibly, to become foster parents.

An experienced foster parent recruiter testified that it takes an average of eighteen (18) months for a person to become a foster parent. The delay is due to the gradual, even tentative process by which prospective foster parents become interested and then decide to become foster parents. It is not clear to this Grand Jury whether the administration at District 10 has always understood the complex dynamics involved with the recruitment and retention of foster parents.

A Community-Based Care director in another DCF district testified that his agency was able to greatly increase foster parent recruitment by a very simple process. That agency had someone assigned at all times to answer the telephone at the number listed for information on becoming a foster parent. That person would make a list of interested people and the agency would always re-contact those callers. This director testified that there is now a surplus of prospective foster parents awaiting training. This is an example of a practical approach to the problem of how to recruit foster parents. To our knowledge, District 10 has yet to implement a similarly pragmatic and easily accomplished procedure.
7. Examples of District 10’s Problems in Foster Care

The backbone of the child welfare system is still DCF and its family services workers. According to the testimony of one member of the judicial system, there has been no discernible improvement yet in the quality of the DCF workers who appear before the court even with the reduction in caseloads. In addition, there appears to be almost no adverse consequences for these caseworkers who either do not do their jobs or do them poorly. The following examples illustrate this point:

The first case involves a foster worker who failed to visit a child placed with a private agency in Boca Raton. Despite being ordered by the court to visit this child and despite being reminded by the guardians ad litem and the Dependency Court Judge to do so, the worker never saw the child for over nine (9) months. The worker’s punishment for this non-performance: a written reprimand. The worker’s supervisor, who was also to blame for failing to oversee this worker, was not ever disciplined.

Two, we saw actual instances of poor foster care work when we watched televised review hearings conducted by a general master. Although there were unquestionably instances where the foster worker was prepared and knowledgeable about his or her case, there were also cases where the following transpired:

1. Failure of the caseworker to require court ordered drug testing of the parents. (“I saw no indication of drug use during my home visits”.)
2. Failure by the caseworker to obtain written “consents” for psychotherapeutic drug administration.
3. Failure by the foster worker to obtain abuse reports on a newborn child whose siblings were dependent children.
A third instance, a very complicated and difficult case, involved possibly mentally handicapped and mentally ill children of a possibly mentally handicapped, non-English speaking mother. In this case the following occurred: The DCF worker routinely would wait until just before the review hearing to schedule, sometime in the future, testing or therapy. No effort was made to explain the procedures for testing and evaluation to this family. No attempt was made to coordinate and schedule treatment plans for the four (4) children. At one time four (4) different sets of providers, one for each child, were coming to and going from the house. The guardian ad litem, a person with considerable business experience, and possessing the time and self-motivation to get to the root of the problems, testified that he could not make sense of the DCF medical records involving this family. His attempts to gain information and assistance from the foster worker went nowhere. The guardian ad litem’s complaints and calls to the worker’s supervisors fell on deaf ears. A medical caseworker was finally assigned to this case and an effort is now being made to coordinate diagnosis and treatment. Although this is an extremely difficult case, it is also a case where the foster worker and her supervisors did not perform their jobs.

8. Runaways

Some eighty (80) to ninety (90) children in the Department’s care here in Broward County are runaways. The great majority of these children are in foster care. This is slightly more than five (5) percent of the 1,456 in out-of-home care in District 10. This is a reduction from 1998. The 1998 Grand Jury reported that ten (10) percent of the foster children were runaways, or approximately one hundred (100) children. These runaways are children who have left their court ordered placements and have stayed at large for more than a few days. Often the female children run away to be with their boyfriends. Many children clandestinely move back with their parents or family members. Unfortunately, far too many of the children live on the streets by whatever means they can.
Runaways present a difficult legal problem. The Florida Supreme Court has held that runaways cannot be punished with contempt (for disobedience to the Dependency Court orders of placement). Being a runaway is not itself a criminal act. Foster children cannot be placed in a locked facility unless they are in the custody of DJJ. One judge told us of her frustration with a system that allows a twelve (12) year-old crack addicted, HIV positive female to be free to leave any placement at any time. All that can be done is to return the child to his or her placement or to DCF’s Assessment Center.

District 10 was long criticized for not following procedures in notifying police and other agencies of a child’s running away. Foster parents and shelter officials are likewise obligated to inform authorities of runaways. In 1999, District 10 established runaway monitoring and notification procedures. This procedure, according to the BSO Missing Person’s Office, is a vast improvement over District 10’s previous practices. In addition, a smaller percentage of foster children are runaways than in 1998. However, District 10 still does not furnish law enforcement with current pictures of all of the runaway children. It does not always list the names and addresses of the children’s closest relatives, if reflected by the Department’s files. In addition, and perhaps most importantly, the foster workers do not, as a matter of course, take the opportunity to plan treatment or arrange for placement in programs for the children as soon as they return. Most runaways do reappear eventually. The procedures for runaways should include plans for modifying the child’s case plan to address the issues which prompted the child’s flight.

It is extremely unfortunate that a judge cannot prevent a child from running away. A child has few resources and little experience to cope with the dangers he or she faces on our streets.
9. Hard Core Foster Children

One of the most difficult problems facing the foster care system is the placement and care of certain, “hard-core” teenage children. These children are part of the population of runaways. They are often involved in repeated, serious criminal episodes. They have, in many cases, been placed in multiple foster homes. They are difficult, if not impossible, to place. They are often special education students with learning disabilities and psychological problems. They can be violent, rebellious, and predatory on younger children. The following is a description of such children:

1. A teenage boy with aggressive tendencies whose disruptive behavior has resulted in school discipline problems. The boy’s only parent is mentally ill and incapable of caring for the boy. He had been placed in therapeutic foster homes but, due partly to a shortage of resources and the therapist’s tentative conclusion that he posed no extraordinary risk, he was “stepped down”. That means, placed in less intensive care. When his placement with a relative failed, he was placed in a regular DCF foster home with three (3) other younger foster children. The foster parents were not informed of the potential risks from this child. Results: two (2) months after placement, this foster child assaulted two (2) children aged five (5) and six (6).

2. Two (2) teenage sibling foster children. One child, developmentally disabled (mentally handicapped), has been a runaway for several months. While a runaway, she became pregnant. Her brother, a boy with several Department of Juvenile Justice referrals and placements, could not be immediately placed appropriately in a therapeutic foster home. No one was willing to take him according to the caseworker. Instead, he was placed in a shelter. Shortly afterwards, this boy left the shelter and allegedly kidnapped, raped, and pistol whipped a complete stranger in the process of stealing her car. Had he been properly placed in a therapeutic home, this serious crime might have been avoided.

3. Two (2) teenage brothers. The younger boy has been referred to the Department of Juvenile Justice, which is the agency responsible for
addressing juvenile delinquency, twenty (20) times and is currently in a Level 8 placement facility. (A Level 8 facility is a locked facility for high risk offenders. The average length of stay is one year to eighteen (18) months.) His older brother, mentally handicapped and possibly mentally ill, had been unsuccessfully placed at a series of foster homes and is now living at a facility with severely emotionally disturbed children. He has attempted to assault younger boys and has expressed violent delusional tendencies. The mother of these boys is mentally ill, drug dependent, and the victim of severe domestic violence.

4. A fifteen (15) year old runaway girl who is addicted to drugs. She has been ordered into drug treatment upon her return to foster care. A previous attempt to place her into a drug program failed because the DCF worker allegedly could not find a suitable program for her. The only program allegedly available required that its participants be able to read. The girl is illiterate and therefore could not be placed there. As the DCF worker searched for another placement, the girl once again ran away from her residence and remains a runaway.

These are children who have what are described as behavioral issues, that is, problems which are not primarily caused by their emotional, mental, or psychological disabilities, but are engaging in severely anti-social activities. Housing them in a shelter or group home is not necessarily better than a foster home. We learned about an emergency shelter in Fort Lauderdale which was almost completely incapable of properly supervising such children. One child welfare worker testified that when he visited there, he saw a chaotic scene: Children were on the shelter’s roof, other children were coming and going from the shelter at will, and no staff member seemed able to cope with this situation. One boy at this shelter had been caught by the police as he was exiting a closed nearby school at night in possession of a TV and a VCR. This boy was simply returned to the shelter by the police, not to the juvenile detention facility, and was never sanctioned for his alleged burglary.
This Grand Jury learned that some children cannot be immediately placed in either a foster home or a shelter. As a result, these children are kept in the Placement Office at District 10 until a place can be found. District 10’s Placement Office recently asked nine (9) private providers to take a particular child. All refused, two (2) because of capacity concerns, seven (7) because of the child’s sexual and behavioral problems. DCF also contacted six (6) individual foster homes, to no avail. This particular child was not able to be placed twelve (12) out of twenty-four (24) days in September alone.

These children represent perhaps the greatest challenge to our child welfare system. They are dangerous to themselves, to other children, to their counselors and foster parents, and in far too many cases, to society as a whole. This Grand Jury believes that many of these children could have been helped. Historically, inadequate assessment, poor foster home placement, sometimes non-existent foster worker interaction, insufficient mental health and therapeutic facilities and providers, have all contributed to these children’s “development” into their present, nearly intractable state. Any solution which appears even reasonably feasible will be expensive, long-term, and dependent on an extremely vigilant and dedicated judiciary and social welfare professionals. This Grand Jury notes that nothing to date has worked for these children and another approach may well be in order.

In summary, the foster care system is better off than it was in 1998, primarily because of more funding, smaller caseloads, and more private providers. It is still nowhere near what it should be. We do not know whether the latest promised reform efforts will work or whether a second Quality Service Review or its equivalent will again find that “a major systemic change in the fundamentals of practice” is still needed here in District 10. However, there is every reason to believe that the quality of foster care can improve in Broward County. It remains to be seen whether that potential for improvement is realized.
Recurrent Problems

This Grand Jury heard testimony about two (2) recurring problems at DCF. One problem, the lengthy and cumbersome budget process and funding regulations for DCF, is systemic. The second problem, the questionable integrity of some of DCF’s employees at District 10, was noted by the 1998 Spring Term Grand Jury. To reform the budget process and funding regulations would require substantial modifications to both state and federal laws and regulations. To instill integrity requires an administration committed to fair, evenhanded, and appropriate disciplinary policies, and an demand that all employees will behave honorably and ethically. One change is difficult, the other is not.

1. DCF Budget Process

The Grand Jury has heard extensive testimony about the process by which the Department’s budget is established. In addition, we learned about the extremely complex funding procedures for the Department. We also heard testimony that funding for the Department for Family Safety (child welfare) has greatly increased statewide as well as for District 10.

The budget process begins in September when the Department submits its budgetary request to the Governor’s Office. There it is analyzed and modified, and in January of the following year, submitted to the Florida Legislature. When the Legislature passes its final appropriations bill, the Governor approves or vetoes the various funding listed there, including the funding for DCF. Once DCF’s overall budget is determined, it decides how to allocate the money to each district.
The Florida Legislative process is painfully slow and can routinely take eighteen (18) months for a new idea, program or program modification to gain legislative sanction to become policy. First, the legislature must agree the change or new idea is necessary. If the change is, in their opinion necessary, it enacts appropriate legislation. Second, the Governor must approve the legislation. However, as noted above, the budget for DCF has already been appropriated without regard for any changes which require additional funding, so the new law may take effect without funding until the next budgetary appropriation in the forthcoming legislative term. (Special sessions or extraordinary budget amendments to short-cut this procedure are possible but are very unlikely to occur). In the next legislative term, the necessary appropriation must be made. If this occurs and the Governor approves the budget appropriation, then the funding generally becomes a reality. However, it is often not available until October 1st of each year. If the new funding involves the hiring of new employees, these new employees, particularly DCF Family Safety Counselors, must be hired, then trained before they are able to function in their jobs. Therefore, even if these employees start on October 1st, they are not autonomous for at least three (3) to six (6) months.

The funding stream for DCF is also very complicated. The overall budget for DCF in 2001-02 was $4,112,558,468 which includes all eight (8) divisions of DCF. The budget for Family Safety, the child welfare component, is $763,417,900. Federal funds supply 57.66 percent, or $440,169,176, which are derived primarily from trust funds. There are thirteen (13) separate federal funds coming into the overall DCF budget, some of which are small, like Community Resource Development Trust Fund ($72,960), and some are very large. All of the federal trust funds have varying reporting requirements. Some require matching state funds. Others are extremely narrow in their application.
Compliance with the federal funds’ provisions is absolutely crucial for DCF. Otherwise, monies may be required to be refunded and penalties imposed. In extreme cases, misuse of funds can render DCF ineligible for future funds. The potential consequences of misuse of federal funds such as the Trinity Economic Development contract, which is discussed in more detail later in this report, can be enormous. Fortunately, in the instance of the contract with Trinity Economic Development, the most egregious misuses were caught before the money was actually spent, but the Department must be extremely careful how it spends its federal monies.

The State funds derive primarily from general revenues and from the Tobacco Lawsuit Settlement Trust Fund. For the most part, these are not as tightly restrictive as federal funding; however, due to some federal fund matching requirements, not all general funds are free to be used as the Department would wish. The Grand Jury feels this restriction is a hindrance to the local agencies, and that flexibility should be allowed in transferring funds from one designated area to another as needs arise.

Funding for child welfare under Governor Bush has greatly increased. In out-of-home care alone it has increased from $95,416,000 to $159,297,000 in fiscal year 2000. This year it is $162,400,000. The increased funding has allowed DCF to increase child welfare services, greatly decrease caseloads for workers, and to modernize its information systems. Each of these changes can have a tremendous effect on the quality of child welfare. More intervention services can result in less drastic measures for the child and his or her family. If in-home services are both appropriate and readily available, the removal of the child and placement into foster care might not be necessary. Decreased caseloads, in our opinion, are the single most important change that has occurred from this increase in funding. Instead of forty (40) to sixty (60) children per caseworker, there are now twenty-five (25) or less. Before, individualized case plans, proper visitation, and appropriate supervision for foster children were very difficult to
implement for workers who were often inexperienced and saddled with huge caseloads. Now, each foster care worker should be able to provide the casework necessary to achieve permanency sooner and more appropriately for the children in care. DCF still has a number of ineffective employees, however, all but the very best were ineffectual when the caseloads and staff turnover were at the 1997-98 level. We believe that a low dependent children-to-caseworker ratio is crucial to proper care.

The third major change resulting from increased DCF appropriations is the modernization of the departmental computer system. We heard extensive testimony about how multiple and incomplete computer systems have greatly limited the DCF’s ability simply to know what its Districts are doing on a day-to-day basis. Presently supervision requires manual retrieval of case files. A first line supervisor oversees six (6) or seven (7) caseworkers. These caseworkers supervise twenty (20) to twenty-five (25) children each, some of whom have exceedingly complex and difficult problems. Effective review of 120 to 175 children’s cases can be very hard to accomplish. One former foster care supervisor said that several years ago the only way he could ensure that his staff carried out their duties was by the harsh measure of canceling all leave (in December) until he determined who was or was not complying with departmental policy and state law. This necessitated manual review of all files. The new computer system, which requires input of all case activity, would have allowed almost instantaneous review of all files.

The new computer system (Home Safe Net) is designed to help the caseworker address typical problems in case management. It is designed to provide the caseworkers with immediate information as to resources, providers, and program availability. DCF reported the new system will allow a new caseworker to learn immediately about significant events in his or her cases.
without having to examine the often voluminous files. We have learned incomplete DCF files often result in misinformation, mistakes, and confusion.

A fully modernized computer system will allow DCF the ability to monitor entire districts before disasters, such as the death of a child in care, take place. Like many of the recent changes, however, the full effect of the computer modernization will not be known immediately. Modernized information systems should significantly improve future DCF’s operations.

2. 2. Integrity

In the 1998 Grand Jury Report, District 10’s integrity was called into question. As noted in that report, the Dependency Judges were constantly concerned about what the District’s employees and administration either did not tell them or that they showed indifference to what was happening to our county’s children. Premature closures of investigations, inappropriate placements, inadequate home studies, and improperly supervised foster homes all contributed to the judiciary’s distrust of the Department of Children and Family Services. In addition, there was at least one instance discussed in the 1998 Grand Jury Report of a flagrant conflict of interest where a DCF employee borrowed thousands of dollars from one of his protective services clients and never repaid the loan.

It is our opinion that integrity problems continue. In one case, District 10 did a home study for the placement of children with close family friends of the children’s irresponsible parents. This home study neglected to uncover the presence of a convicted child abuser in this home and approved the placement of the children. Fortunately, no harm came to the children. Once again, no disciplinary action resulted from this sloppy and potentially dangerous neglect of duty.
In another instance, District 10, at the urging of a former Deputy District Administrator, entered into a highly questionable service contract with Trinity Economic Development. The funding source was a very restrictive federal program with strict accounting requirements. However, the resulting contract was much different and included unusual provisions. It was for only two (2) months, even though it actually began seventeen (17) days into the first month. It allocated $129,000 to be spent; however, $80,000 was classified as discretionary funds. District 10 employees actually intended expenditures be made by the service provider on behalf of District 10’s adoption unit. Equipment, trips to out of state conferences, computers, and supplies were purchased by the service provider for the District and/or its employees. In fact, there is evidence to suggest the Deputy District Administrator, at that time, stood to gain a laptop computer through this contract.

District 10’s administrators and the unit’s director pushed for this contract. A state agency is not permitted to use restricted funds to buy equipment, such as computers and photographic copiers which it could not otherwise purchase with its operating budget. In addition, there is a serious question as to the value of the services provided to the children being served by this contract. Fortunately, only one half of the monies were spent before this blatant misuse of funds was discovered. Although the Deputy District Administrator resigned and the specialist was fired, we are disturbed by the following: (1) the contract was pushed by top District 10 personnel despite its flagrant illegality; (2) the contract’s administrator who blew the whistle was criticized by her colleagues and supervisors for her efforts; (3) the specialist who was fired reportedly told her colleagues that she had done this many times before; (4) her supervisor was not reprimanded and has since been promoted; and (5) the misuse of federal funds which jeopardizes DCF’s funding for the entire state. As District 10 prepares for the transition to Community-Based Care, its role will largely become administrative as it oversees
and monitors private providers. Given the conduct of some top level participants, we have reservations as to how well District 10 will perform its new role.

A third example of the extent of District 10’s integrity problems can be shown by the 1999-2000 Inspector General’s Report. The Inspector General’s Office is the internal investigative agency for Florida’s statewide departments. Its mandate is to investigate alleged fraud, waste, and mismanagement throughout the state. Each major department has its own Inspector General. In the 1999-2000 summary of the Inspector General’s statewide investigations by DCF, it is clear that District 10 had an unusually high number of “substantiated”, that is, proven allegations of such misconduct. Out of twenty-five (25) allegations for which an investigative conclusion was reached, eighteen (18) or seventy-two (72) percent were substantiated. In Miami-Dade (District 11) for the same period, seven (7) out of twenty-five (25) or twenty-eight (28) percent were substantiated, or about 1/3 of the Broward rate. In Palm Beach County (District 9) four (4) allegations of wrongdoing were substantiated, five (5) were not, and two (2) were deemed inconclusive. This means that thirty-seven (37) percent were substantiated, or one half of the Broward rate. Even more telling are the statistics from District 7, the site of a statewide DCF task force investigation following the deaths of Kayla McKean and other children in the Department’s care. Out of sixty-one (61) concluded investigations, eighteen (18) were substantiated, forty-one (41) were not, and two (2) classified as inconclusive. This means that 30 percent were substantiated. District 10’s high rate of substantiated allegations strongly suggests that what has been discovered is only part of what is going on.

In addition, District 10 has a Family Services supervisor who has been the subject of three (3) inquiries into his ethics and/or honesty. This employee was charged with Grand Theft at his part-time job. Although the Grand Theft was dismissed by the State Attorney’s Office of
the Seventeenth Judicial Circuit as unprovable, no action by District 10 was taken to monitor this employee during the pendency of the theft case or as a result of the allegation as to his dishonesty.

Additionally, District 10 has a reputation among some of its foster parents of not always withholding unfavorable information about prospective foster children. Two (2) former foster parents who had adopted four (4) of the fifteen (15) to twenty (20) children they have fostered, told us there were routine “surprises” that the foster placement office had not told them about. In a recent instance, a foster family who had served DCF for over ten (10) years was never told about the prospective foster child’s aggressive tendencies towards younger children. This foster child was first temporarily placed and then permanently placed in their home. Two (2) months later, he assaulted two (2) younger foster children in the home. DCF’s response was to cite the unknowing foster parents for negligent supervision, close down the foster home, and remove the children.

In the opinion of this Grand Jury, District 10 has a poor reputation for honesty and integrity. It is clear to us that to remain employed at District 10, many believe they do not have to do their jobs well or be forthright with the people they deal with. Despite the contributions of many dedicated, honest, and hardworking employees, it is apparent to us that integrity problems continue at District 10.

Emergent Problems at District 10

Over the past six (6) months, this Grand Jury learned about five (5) matters which have created difficulties for the DCF in particular and the child welfare system in general. The first is a class action lawsuit, *Ward v. Kearney*, filed in 1998 on behalf of District 10’s foster children. The second concerns the leadership instability at District 10. The third concerns SOS Children’s
Village, which cares for over forty-five (45) foster children in Coconut Creek. The fourth is a critical shortage of Guardians ad litem in District 10. The fifth is the civil service system for DCF’s employees.

1. **Ward Lawsuit**

   DCF is embroiled in a class-action lawsuit filed in the fall of 1998 on behalf of the foster children here in District 10. In early 2000, both sides reached a settlement agreement. This twenty-five (25)-page agreement spells out what DCF will do and what it will change to provide better care for our foster children. Pursuant to that agreement, the attorneys for the plaintiffs agreed to work with the officials of District 10 to implement the terms of the settlement agreement. They would review records, suggest changes, and make recommendations of experts and consultants to analyze and propose solutions to the system’s problems.

   After approximately eighteen (18) months, the litigants are back in court. The plaintiffs have asked for injunctive relief in their forty (40) page motion. The relief they seek includes the appointment of a court receiver to oversee District 10. The plaintiffs also wish to stop the beginning step of the privatization process, the Invitation to Negotiate procedure, until there is full disclosure to all prospective private providers of the true condition of District 10’s foster care system. The plaintiffs also asked the court to judicially impose the recommendations of two (2) experts, Paul Vincent and Paul DeMuro, who analyzed respectively District 10’s foster care and shelter placements. The plaintiffs allege that DCF has violated the constitutional rights of the
foster children in District 10 and that the district is experiencing a “meltdown”. The plaintiffs further allege that foster care has deteriorated here in Broward County since the settlement agreement and that “children are being physically, sexually, and emotionally abused in unprecedented numbers.” The plaintiffs’ motion for injunction has received extensive coverage in the local media.

DCF responded to the plaintiffs’ motion on August 21, 2001. DCF alleges that the plaintiffs made legal and factual errors in their motion. In pages six (6) through eight (8), DCF cites numerous statistics which it asserts were obtained from the recent federal audit of District 10. Some of DCF’s more significant statistical arguments are:

1. Fewer foster homes that are over licensed capacity.
2. Reductions in the number of foster children who have switched schools due to their change of residence.
3. Increases in the rate of visitations to foster children.
4. Increases in the number of visitations between foster children and their biological parents.
5. Reductions in the number of verified abuse and neglect incidents of children in the care of the Department.
6. A substantial increase in the rate at which children leave foster care within twelve (12) months.

We heard testimony from ten (10) witnesses who either had worked at District 10 or were still DCF employees while the lawsuit has been pending. The pressure this lawsuit has placed on District 10 has been enormous. One former District 10 administrator told us that she resigned from DCF primarily because the lawsuit’s compliance requirements so dominated her work schedule that she could devote almost no time to any other aspect of her job. One of District 10’s legal staff told us that thousands of pages of DCF documents had been provided to the plaintiffs’ attorneys. She described an entire conference room full of boxes of document
copies which were produced for the plaintiffs six (6) months ago and which have not been reviewed by the plaintiffs. Witnesses described the atmosphere at District 10 as almost a bunker mentality. DCF workers have been sued in their individual, not official capacities by the plaintiffs’ attorneys. DCF alleged in its reply to the plaintiffs’ motions for injunction that the attorneys’ fees have already exceeded $2 million. The time value of DCF’s staff plus the cost of producing copies are enormous. By way of comparison, the entire out-of-care budget for District 10 in 1998 was $7,318,000.

One former District 10 executive dismissed the idea that the lawsuit ensured reform of the foster care system. In her mind, the lawsuit’s expense, time consumption, and resultant divisiveness outweighed any benefits the lawsuit provided.

It is apparent to us that both sides view each other with suspicion, anger, and hostility. Both sides point to the alleged shortcomings of the other in their most recent pleadings. What is especially ironic about the recent breakdown of communication is that the settlement agreement was designed to implement a system of care that everyone agreed should be the prototype of foster care. The plaintiffs allege that DCF has allowed foster care to deteriorate while DCF argues that there have been great improvements. The Grand Jury is very concerned that there have been egregious failures by District 10 to carry out its obligations under the settlement agreement. First, DCF promised on page seven (7) of the agreement to place “alerts” or warnings on the files of its foster children who threatened harm or had in fact previously harmed other foster children. District 10 failed to do so from January 2000, until the omissions were discovered in April, 2001. Second, the District pledged to provide medical passports for its foster children. These booklets were to contain the children’s medical histories. We learned that many of these turned out to be blank, yet bore the signatures of individual caseworkers. Given the leadership instability at District 10 and these instances of systemic breakdown, it is apparent to
the Grand Jury that the Ward Lawsuit has been instrumental in bringing about positive changes and reform; however, the continued relentless pursuit of District 10 is now counterproductive to the original intent of the lawsuit.

2. Leadership Instability at District 10

Since the fall of 1998, District 10 has had six (6) District Administrators. They are: Johnny Brown, Robert Cohen, Robert Pappas, Phyllis Scott, Lee Johnson, and now Jack Moss. Mr. Brown was dismissed in early 1999. Mr. Cohen was District Administrator for only a few weeks in 1999. He left to become the Deputy Secretary of the Department where he remains at present. Mr. Pappas was Acting District Administrator until August, 1999, when Dr. Phyllis Scott assumed the role. Dr. Scott left in April, 2001. Mr. Lee Johnson, the District Administrator for District 4 (Jacksonville), was Acting District Administrator until late July, 2001. Mr. Moss has just completed his first month at District 10. According to current and former District 10 employees, each of the former District Administrators had widely varying managerial styles. Each, with the possible exception of Mr. Johnson, had his or her detractors in and out of District 10. Some District 10 workers balked at Mr. Cohen and Mr. Pappas’ military approach (each is a retired Marine Colonel). Others at District 10 would question the organizational abilities or even the integrity or competence of former administrators. There has been rancor, distrust, and outright hostility among the executive officers of District 10. There is little confidence in the District’s leadership among child welfare professionals and concerned citizens in the community. Mr. Moss faces unprecedented challenges as District Administrator.

This leadership instability is occurring among the top level aides at District 10 as well. There have been four (4) Deputy Administrators since Mr. Cohen assumed his brief role as District Administrator in 1999, three (3) heads of Family Safety (Child Welfare), and at least three (3) heads of the Program Office. All of this upheaval and turbulence has occurred in the
context of (1) a lawsuit which has demanded enormous amounts of staff time and energy; and
(2) serious concerns about the ethical standards of District 10.

Some observers have told us that given the leadership instability at District 10 and the
extent of the problems with foster care here, the situation is hopeless. However, we believe that
there are indications that important improvements have occurred or are about to occur. District
10 now has a Deputy Administrator who is widely recognized as an expert in child welfare. She
has also been a successful DCF Administrator elsewhere in Florida. Caseloads for foster
workers and other family services workers have been greatly reduced. More money and
services, particularly family intervention services, are available than in 1998. Private providers,
which we believe are much more successful than DCF, are providing an increasingly greater
portion of foster care. These private providers also seem willing to join hands to work together in
planning and coordinating their efforts. The Broward Sheriff’s Office Child Protective
Investigative Unit has made significant improvements and, we believe, is markedly better than
District 10 was in 1998 at child protective investigations. In addition, there are encouraging
signs of awakened community involvement. The Children’s Services Council was
overwhelmingly voted into being in 2000. Mental health services for dual diagnosed children
(those children who suffer from a mental illness and another physical or mental infirmity) now
are being coordinated by Henderson Mental Health as the umbrella agency for such services.
Before 2000, no coordinated treatment was available, only eight (8) or nine (9) separate
agencies acting independently and, at times, sporadically, to provide this care. These
improvements and signs of interagency cooperation contrast with the situation in 1998 when the
system was in almost complete disarray.

We believe that positive change can occur here in Broward County but only with strong
and effective leadership from District 10. The leadership turmoil and turnover of the past three
(3) years causes us great concern. DCF has promised to stabilize and improve the leadership at District 10. Again, only future events will make this clear.

3. SOS Children’s Village

In Coconut Creek, there is a group of foster homes set apart from each other in a cul-de-sac. Here 47 foster children reside in eleven (11) single family homes as part of SOS Children’s Village, a worldwide organization founded first to shelter war orphans in Europe after World War II. The case plans for the foster children at SOS Children’s Village call for long-term foster care. The children are racially and ethnically diverse and range in age from nine (9) years old to nineteen (19) years old. There are numerous sibling groups, including a family of seven (7) brothers. DCF and the Dependency Courts placed these children at SOS because reunification with their parents was either not possible, due to the parents’ inability to care for them, or unwarranted due to the parents’ abuse, neglect or abandonment.

Adoption, for several reasons, also was not feasible. In some instances, there are procedural obstacles. Others involve huge siblings groups. In none of the cases is there an adoptive family or relative placement immediately available.

There has also been testimony that an alarming number of children are receiving psychotherapeutic medications and therapy. The Grand Jury has concerns that the dispensing of medications might not be appropriate or carefully monitored. We recommend a careful reevaluation of these children.

The SOS Children’s Village program began in the early 1990’s. The concept is to provide a family setting for children who do not have a family and in all likelihood will never have a true family. The foster parents there are designated house parents. The professional staff provides and arranges for therapy, tutors, evaluations, and activities for these children. The
children attend schools in the area, participate in sports, work at part-time jobs, and, if interested, attend nearby churches and synagogues. Beyond doubt, this is a noble attempt to help very needy foster children.

Unfortunately, this Grand Jury has been informed of some problems at SOS Children's Village. Some of these are minor, such as children fighting among themselves. Some, however, are not. The serious ones include incidents which have resulted in involuntary, temporary mental hospitalization of children (Baker Acts). Others involved child sexual abuse (child-on-child) and consensual sexual activity among children as young as nine (9) years old. One older teenager had consensual sexual relations with the companion of the house parent who for some unknown reason continually left them together. Children have sneaked out of their residences so often that there are now alarms on the windows.

We do not pretend that these goings on are unique to the SOS Children’s Village foster children or are not symptomatic of troubled children’s behavior. However, we are concerned that as the children grow older, their harmful behavior, to themselves or their fellow residents, will only increase in frequency. Many of these children are victims of appalling abuse and neglect. Some may even have family histories of mental disability and illness. As younger children, their behavior was much more easily controlled. Observers who provide care to these children have noted that as they have grown older, these children have grown much more clever at hiding their activities. For instance, one person extremely familiar with these children said that several had immediately learned how to bypass or deactivate the window alarms. As noted, a teenager was able to have at least several sexual encounters with her housemother’s companion without the housemother’s knowledge. What is even more telling is that the SOS Children’s Village administration was unaware of the companion’s presence at SOS until long after the encounters began.
One child welfare professional told us that despite frequent attempts, this professional was unable to convince SOS Children’s Village that some of these children could not clinically improve in their current setting. These children need a much more structured environment, according to this professional, and this need will only become more acute as the children age.

The children at SOS are taught to regard their fellow foster children as members of a large extended family. They are not allowed to date one another and, of course, not allowed to have sexual relations with each other. A child welfare professional told us that as younger children, the foster children accepted this concept. Unfortunately, as these children grow older, they no longer accept this idea and do not always regard each other as members of a family.

SOS Children’s Village has placed nighttime medi-nurses outside certain children’s rooms to prevent them from engaging in improper behavior.

DCF and the Dependency Court must decide whether SOS Children’s Village will remain a suitable placement as these children get older. If so, we believe that structural changes, including much more rigorous hiring requirements and in-service training program for the house parents to prepare them for these children’s problems, may well be necessary. SOS Children’s Village is a noble idea. Its administrators are wonderfully generous and concerned people. Nevertheless, in its current format, the concept of SOS Children’s Village seems unable to provide for the more complex needs of older foster children. The Grand Jury feels that some readjustment in the focus of the SOS Children’s Village is imperative and will address that issue later in this report.

4. Guardians ad litem
By statute, a guardian ad litem must be appointed for every child removed from the home, unless the court specifically finds such appointment unnecessary. F.S. 39.402(8) (c) (1). According to DCF Administrators in Broward County, there are approximately 4,000 children in out-of-home care who have been removed from their parents' home. All of these children need guardians ad litem. However, there are only 548 guardians and each guardian typically has three (3) children. There is a great need for additional guardians ad litem.

In Broward County, the Guardian ad litem office is comprised of a professional staff and volunteer guardians. Each staff member supervises an average of fifty (50) to sixty (60) guardians. The nationally recommended caseload is thirty-five (35) per staff member. The Broward County guardian ad litem staff cannot manage more guardians without expansion, according to one witness familiar with the guardian ad litem program. However, there is no available funding to expand the professional staff. As a result, some children will not see a guardian ad litem at all.

We have seen examples of excellent and dedicated guardians. This Grand Jury believes that a guardian ad litem is often the only person truly dedicated to the needs of the foster child. It is extremely important in foster care that every foster child have a guardian as soon as the child has been removed from the home. The safety and well-being of the children in foster care may well be at stake.

5. Civil Service Reforms

In 2001, the legislature enacted significant changes in the civil service system for state employees. Employees at the supervisor level or higher are no longer career civil service. This
legislative change resulted from a study of the current civil service system. Many persons have long believed that the civil service system protected the lax or incompetent employees and discouraged the hardworking, innovative, talented employees. The Florida Council of 100, a non-partisan association of business leaders, studied the civil service system and in November, 2000, strongly advocated sweeping changes. The Palm Beach County Fall Term 2000 Grand Jury, noting the havoc wrought by career civil service DCF employees, advocated the abolition of civil service for DCF in early 2001. The Legislature, as noted, chose only to exempt the supervisory staff from civil service in the 2001 legislative session. The constitutionality of that legislation has now been challenged in court.

The need for reform of the system, particularly with DCF, is obvious to DCF’s leaders. We were advised that it took two (2) years and $50,000 in legal fees to terminate five (5) incompetent employees of DCF District 7 in the Orlando area following the deaths of children in DCF’s care. According to the testimony of a key DCF administrator, the workers’ incompetence was beyond question and that every one of the employees could have and should have recognized the dangers to the children before their deaths occurred. We note that the Palm Beach County Grand Jury likewise called for the dismissal of nine (9) DCF employees at District 9, following the deaths of Joshua Saccone and Dylan Cassone and the severe injury to Moesha Sylencienx who lived in District 9. Seven (7) workers there were indeed fired for dereliction of duty. Two (2) employees, however, have been reinstated as a result of their appeals because it can be very difficult to fire any civil service employee who has not committed a serious violation of the law. Poor performance in a particular case usually will not suffice, and unless several such acts of incompetence can be fully documented, dismissals may not be upheld.
This Grand Jury has seen firsthand the effects of several District 10 employees’ incompetence and non-performances. We have also seen instances of highly questionable, even unethical conduct by District 10 employees. Such workers need to be removable. District 10 has historically failed to document its workers’ shortcomings in any systematic manner. Proper personnel practices will result in the weeding out of incompetent employees, even those with civil service protections.

Community-Based Care

One very important change, the change to Community-Based Care, is about to take place in District 10. The process by which Community-Based Care assumes the role of DCF has just begun in Broward County.

The privatization of foster care and related services is mandated by F.S. 409.1671. That statute states “It is the intent of the Legislature that the Department of Children and Family Services shall privatize the provision of foster care and related services statewide.” It further states that “Privatize means to contract with competent, Community-Based agencies”. This privatization will occur statewide, phased in over a three (3) year period beginning 1-1-2000.

The statute further specifies that the privatization plan “must be developed with local community participation, including… input from community-based providers that are currently under contract with the Department to furnish community-based foster care and related services.” The privatization plan must also “include a methodology for determining and transferring all available funds”, including federal funds and state funds.

The statute also sets out the criteria for the lead agency which will administer foster care and related services for that district. Included among these are accountability for meeting “outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.” Responsibility for “all necessary child protective
services” falls upon the lead agency. In other words, the lead agency in community-based care will assume the administrative responsibility of DCF as well as its liability for civil actions arising out of that care, although its liability for non-economic damages is limited to $200,000 per claim.

DCF has begun privatization with community-based providers around the state. In Sarasota and Bradenton Counties, the Sarasota YMCA has assumed the duties of the lead agency. In Pinellas County, which includes Clearwater and St. Petersburg, Family Continuity became the lead agency earlier this year. Within the past two months, Palm Beach County (District 9) designated its lead agency. In Broward, the process of determining the lead agency has just begun. Community providers have already submitted their proposals to DCF.

Privatization has not been completely successful so far. In Lake County, the lead agency, the Lake County Boys Ranch, failed. However, in Sarasota and Bradenton Counties, Community-Based Care has been almost an unqualified success. Many of the yardsticks used to determine the quality of care indicate that the Sarasota YMCA has improved child care since it became the lead agency. The statistics for the time needed to achieve permanency for children, the ratio of caseworkers to children, visitation records, the reduction of the incidence of abuse all show improvement from several years ago when DCF ran that district. In fact, the statistics for Sarasota-Bradenton are among the best in the state.

We learned that the Sarasota YMCA has successfully enlisted support, participation, oversight, and financial backing from many different community groups. Concerned citizens have taken an active role in foster care, particularly in supporting the foster families.

However, not everyone is optimistic about Broward’s transition to Community-Based Care. The Broward Child Welfare Initiative, (BCWI), a group of volunteers gathered from the
business, education, legal, and child welfare communities here, has studied District 10’s child welfare practice. It is the opinion of this group that foster care and related services are in shambles in Broward County. The BCWI is very pessimistic that any one private provider in our child welfare system can successfully operate as the lead agency. Financial shortfalls, hidden pitfalls, and the accumulated effects of years of under-funding and poor management are some of the problems the BCWI foresees for the lead agency in Broward County.

DCF disagrees and points to the massive increase in child welfare funding since 1998, the greatly decreased caseloads, and the successful partial privatization of foster care here as reasons for optimism.

We learned that privatization elsewhere often involves surprises as well as unintended consequences. In 1996, Kansas privatized its foster care and related services, by dividing up the state geographically among a few caregivers. At least two (2) agency providers went into receivership. Privatization also occurred rapidly. Some dependency courts there had difficulty adjusting to the new administrators. By far the biggest surprise was the fact that much more money (50 percent) was needed to run child welfare. For years the system there limped along with huge worker caseloads and relied on large and generous residential and group care facilities. After funding in Kansas was increased, caseloads dropped. In addition, reduction of the time needed for the child to achieve permanency was also attained, which is the nationally recognized goal of the child welfare system. The stability of children’s placement also improved which meant that it was not necessary to move children from one foster home to another as often as before. Child safety in foster care also improved. Unfortunately, there is now a shortage of social workers in that state. Privatization initially began in chaos and required much greater funding. It also, five (5) years later, resulted in much better care for foster children.
Community-Based Care’s “selling point” is its anticipated ability to generate greater community support and involvement with the child welfare system. Its supporters also cite the flexibility that the lead agency will have to shift and/or supplement funds for needed services and changing care requirements. In our opinion, an agency run on business principles also would be considerably different from the present arrangement. Too often we heard how District 10 does not analyze or anticipate its needs for such matters as child services or foster homes, but instead simply responds to crises as they develop.

How would Community-Based Care work in Broward County? Its implementation, in its present state, is being challenged by the class-action lawsuit against DCF here in District 10. District 10 is also home to a child welfare system described by one weary professional as comprised of contentious, divided, and mutually suspicious components. How well this county’s child welfare system participants will work together is not clear. DCF has repeatedly asserted that District 10 has all the resources it needs for Community-Based Care to succeed. We acknowledge that privatization can, and in Sarasota-Bradenton does, work. We also strongly believe that foster care and related services can readily improve. We are not sure that any private provider can unite our system’s participants into a cohesive and effective group of providers, particularly given the atmosphere created in part by the numerous lawsuits involving foster care, the public accusations of wrongdoing which are treated almost as fact, and unsubstantiated media reports which enhance the already incredibly bad public image of the DCF here in Broward County. We are therefore concerned that the transition for Community-Based Care will be difficult and its chances for success are at present uncertain.

Other Changes in the Child Welfare System

There have also been several other important changes in the child welfare system. One, the Children’s Services Council, has just begun. Second, the Dependency Drug Court program
is scheduled to begin in a few months. Other changes also involve modifications to the Dependency Court System. These changes include a specially assigned judge, an expanded mediation program, a pilot project to oversee Dependency cases, the use of case managers, and the Dependency Court Improvement Committee.

1. Children’s Services Council

The 1998 Grand Jury recommended the formation of an independently funded children’s services agency. On September 5, 2000, the Broward County voters approved by referendum the formation of the Children’s Services Council. The Children’s Services Council will be independently funded from Broward County’s property taxes. The council has authority to levy up to one-half mil of property taxes. One witness very familiar with this process testified that based upon the 2001 property assessments, a one-half mil levy could generate nearly $40,000,000.

The Children’s Services Council replaced a Broward County governmental agency, the Children’s Services Administrative Division, which was funded by the Broward County Commission. The budget for this county agency in its last year was nearly $15,000,000. The Children’s Services Council, which officially formed this summer, will levy $18,500,000 in its first year. The Broward County Commission in addition allocated nearly $15,000,000, the same amount as last year, to the Children’s Services Council.

The Council is comprised of nine (9) members: a County Commissioner, a member of the School Board, the District Administrator for DCF’s District 10, a Juvenile Division Circuit Judge, the Superintendent of Schools, and five members of the community as selected by the Governor. A professional staff administers its budget and programs.
The Children’s Services Council’s mission is to provide services to children and families who are not in the Dependency Court System. A witness familiar with the council testified that there is a tremendous, unmet need in Broward County for services and programs for children of families who are at risk of becoming dependent through abuse, neglect, or abandonment. After-school care, parenting and well-baby care for teenage mothers, family counseling services, and many other programs are designed to help families before their problems become too great for them to handle. Broward County has 350,000 children, according to the testimony of a child welfare professional, and less than three (3) percent are involved in the Dependency Court System.

The Children’s Services Council hopes to coordinate and plan services so that efforts on behalf of children are not duplicative or wasted. The council will also authorize expenditures for programs that supplement some of the foster care services; summer camp for foster children, cultural arts programs, and school readiness programs are examples of these supplemental programs.

As one witness candidly testified, the Children’s Services Council cannot operate efficiently without cooperation from every child welfare agency and entity in the County. This newly formed agency must also be accountable for the monies it spends. This Grand Jury heard testimony that the Children’s Services Council will require any program funded by the council to meet measurable outcome expectations. The council can be a great addition to the child welfare system and provide support and assistance to many families. This Grand Jury hopes that the Children’s Services Council realizes these worthy goals.

2. Dependency Drug Court
Drug and/or alcohol abuse is a tremendous problem for the Dependency Court. Every current and former Dependency Court Judge and general master who appeared before this Grand Jury testified that most biological parents of their dependent children were engaged in drug and/or alcohol abuse. One judge estimated the percentage of such parents with drug and/or alcohol problems to be 90 percent. These problems are the single greatest cause of child neglect and are a major cause of child abuse. In addition, once a child enters the foster care system, the continued and un-addressed alcohol and/or drug abuse of the biological parents is one of the greatest obstacles to reunification of the child with the parents, according to the testimony of the General Masters. Many of the dependent children’s case plans call for drug treatment and therapy for the child’s biological parents. Unfortunately, that treatment or therapy can take a long time before it is effective. The Dependency Court cases where treatment is ordered may drift for months and even years without resolution. Even successful programs can take over a year to complete. Dependency cases are required by Chapter 39 of the Florida Statutes to achieve permanency status within twelve (12) months of the adjudication of dependency. Many dependency cases in Broward County do not meet this time requirement because of the unresolved drug and/or alcohol problems of the biological parents.

Although there is no simple answer or solution to this problem, the Dependency Court in Broward County is attempting to address this issue. It is planning to begin a pilot program of the Dependency Drug Court under the direction of Judge Susan J. Aramony. Modeled after the Felony and Juvenile Drug Courts, which provide a rigorous treatment and drug monitoring program to persons accused of certain drug related crimes or delinquencies, the Dependency Drug Court differs in several important respects. First, the participants are not facing prosecution; the participants would be the parents of dependent children who are attempting to reunify with their children, if the children have been placed in foster care, or to maintain their children in their home in the face of possible removal. Second, the consequences are different.
In the Drug Court for criminal cases, failure means return to regular criminal prosecution. In Dependency Court cases, failure means that the children could be removed from the participating parents’ homes or, if already removed, kept in foster care. In addition, a termination of parental rights could also result from the parents’ failure to successfully complete the program.

The Dependency Drug Court pilot program will include mothers of drug exposed newborn babies. It will also include other parents who are determined to rid themselves of their addictions. The participants will be monitored by BSO, which administers the other Drug Courts. The program’s success depends on the cooperation of all constituents of the child welfare system; the courts, BSO, DCF, and the private foster care providers. This Grand Jury believes that a full fledged, successful program is badly needed in this County. The Dependency Drug Court can have a positive influence on the child welfare system. Neither the Children’s Services Council nor the Dependency Drug Court existed in 1998. Each represents a potentially great opportunity for improving the child welfare system here in Broward County.

Other Changes to the Dependency Court

In addition to implementation of the general masters program, other judicial innovations have occurred. One involves the use of a Circuit Court Judge who is not assigned directly to the Dependency Court to conduct the initial shelter hearings. This again has relieved some of the pressure which the dependency judges’ increased caseload has generated. However, this procedure of assigning another circuit judge increases the potential for case fragmentation. Unlike the general masters who conduct at least semi-annual reviews in cases which can continue for years, the Shelter Hearing usually occurs only once. The dependent child may never see the Shelter Hearing Judge after the hearing, whereas the child will often see the general masters. This Grand Jury reserves judgment as to whether this is an improvement of
the court system. It may be that the Dependency Judge to whom the case will ultimately be assigned should preside over the Shelter Hearing.

The second innovation has been the increased utilization of mediation. Mediation is a voluntary, non-judicial process by which parties to litigation attempt to resolve areas of dispute by compromise or by agreement. Mediation occurs in a neutral setting and is presided over by a mediator, who is a neutral party. Mediation can involve major issues of dispute as well as relatively minor areas of disagreement. Many times the parents of a dependent child are confused, angry, and very resistant to BSO’s CPI’s and DCF’s Family Services workers. Particularly where reunification is the likely resolution of the case, a mediator can help defuse the parents’ anger and resistance and help the parents realize appropriate goals. In addition, such logistical issues as the places of visitation, treatment plan scheduling, and means of transportation, can often be agreed upon in these sessions, thereby obviating the necessity of a hearing. Broward County has greatly increased the utilization of mediators in dependency cases over the past three (3) years. It has been successful in moving some cases more quickly towards resolution.

The third change in the Dependency Court system has been the implementation of a dependency court review program which insures that all cases have been reviewed. The program also monitors the twelve (12) months-to-permanency compliance requirement. Although most cases still do not achieve permanency within that statutory time frame, more cases are meeting the intermediate timelines than the cases were two (2) years ago. For example, according to the Court Administrator’s Office of the Seventeenth Judicial Circuit Dependency Court Pilot Program, one third of all cases filed between November 1, 1998, and October 31, 1999, did not have petitions for adjudication of dependency filed within twenty-one
(21) days after the Shelter Hearing, as is mandated by Florida Statutes 39.501(4). From November, 2000, through February, 2001, the untimely filing of those petitions was reduced by nearly half; now only nineteen (19) percent do not have petitions which were timely filed. In addition, thirty-eight (38) percent of the 1998-99 cases were not arraigned within seven (7) days of the filing of the petition for adjudication of dependency, as is required by Florida Statutes 39.506. As of February, 2001, only seventeen (17) percent have been similarly delayed. The review program’s increased scrutiny of these dependency cases has been beneficial because it has helped eliminate some of the systemic delays which had been unnecessarily slowing down case resolution. According to the review program, all active dependency cases are being reviewed in court.

In addition to the review program, the pilot program has utilized case managers. Case managers are now assigned to the Dependency Court Judges to help the judges track cases. In addition, the case managers facilitate hearings and mediation conferences. Given the large number of people who are associated with a dependency case, this coordination can often be a complicated process. Case managers can help the system be more efficient.

One innovation since 1998, the Dependency Court Improvement Committee, has had at most limited success. The meetings, which originally involved twenty (20) to thirty (30) people, reportedly often degenerated into unproductive sessions. This is unfortunate, as the 1998 Grand Jury recommended that the various entities in the Dependency Court system have regular meetings to attempt to resolve recurrent problems. The committee has now been streamlined but it still lacks leadership, direction, and focus. Often the decision makers from the particular agencies and entities do not attend the meetings. This Grand Jury asks the Dependency Court
Judges to take the lead to see that this committee addresses specific problems. The Dependency Court Improvement Committee should be able to improve the relations and performances of the parties and participants in the Dependency Court. So far, this committee has had only limited success.

Having completed our discussion of the child welfare system in Broward County, it would be appropriate to review the status of the 1998 Spring Term Grand Jury’s recommendations. Following this review, we will present our own recommendations.
RECOMMENDATIONS OF THE 1998 SPRING TERM GRAND JURY

The 1998 Spring Term Grand Jury made 19 recommendations in the hopes of improving the Child Welfare system in District Ten. Your Grand Jury heard testimony which lead to the following conclusions regarding those recommendations:

1. The 1998 Spring Term Grand Jury stated:

   “Your Grand Jury believes that some knowledgeable entity outside the Department must be able to review closed protective investigations on a regular basis. Presently, no one other than DCFS has had access to these files besides this Grand Jury. Confidentiality laws properly prevent access to these very sensitive matters by the general public, but the Grand Jury questions the District’s ability to review these investigations objectively without oversight.

   The Department must be held accountable for its inadequate handling of abuse reports. As cited throughout this report, there is generally no District oversight of decisions to close cases. There is also no justification for many of these decisions when the facts ultimately come to light. There must be some meaningful review. Your Grand Jury recommends the establishment of a committee comprised of local child welfare workers which can review, on a regular basis, questionable decisions by the District to close cases. This committee should be comprised of representatives from the Guardian ad litem office, the Judiciary, the Sheriff’s Office, the Attorney General’s Office, the State Attorney’s Office, and the Child Protection Team, not the Department, so that a truly independent review can be made. These reviews should be publicized with appropriate confidentiality protections on a periodic basis. We believe that this would promote accountability for both District 10 employees and administration. This matter is far too important to be left solely to the District’s discretion.”

   Your Grand Jury has heard testimony from various employees and administrators of DCF, as well as representatives from the Guardian ad litem program, the Sheriff’s Office, the Attorney General’s office, and the Judiciary and finds that no such committee has been created.

   Therefore, your Grand Jury finds that recommendation number one of the 1998 Spring Term Grand Jury has not been met.
2. The 1998 Spring Term Grand Jury stated:

“Testimony revealed that on multiple occasions District 10 employees have allegedly falsified records, allegedly had families falsify records, or allegedly withheld information from the courts. In addition, the District has failed to file cases with the court when appropriate.

When there is potentially criminal misconduct by departmental employees such as falsification of records or false reports to the courts, this should be reported to local law enforcement agencies or the State Attorney’s Office so that these matters can be investigated and prosecuted if warranted. The Department must emphasize to its employees that falsification of records or false reports to the courts is not only intolerable but illegal.”

Your Grand Jury heard testimony that the Inspector General’s Office has been called in to investigate alleged misconduct in DCF. Allegations investigated have included: the allegedly improper removal of a child from a foster home due to unsubstantiated allegations of abuse and the subsequent listing of a foster parent as a perpetrator in the Child Abuse Registry; allegations of an employee of the Department providing inaccurate information when applying for Temporary Aid to Families in Need funds, which application was subsequently approved by a Department supervisor; allegations that a short term service contract was awarded to a provider in exchange for the provider purchasing items and equipment for the use of the Department; and, allegations that the Department failed to maintain it’s policy of documenting certain information regarding children in its care as “alerts” and thereafter not providing that information to caretakers.

Your Grand Jury heard testimony regarding the investigations by the Inspector General’s Office. Testimony was received regarding the makeup of the staff of the Inspector General’s Office, the independent nature of their inquiry and the thoroughness of their investigations. The actual reports produced by the investigator conducting some of the matters previously described were received in evidence and reviewed by your Grand Jury. Your Grand Jury heard testimony that the disciplinary recommendations made by the Inspector General’s Office in those reports when the allegations were founded were not necessarily followed.

Your Grand Jury also received testimony that established that certain allegations are sometimes referred to local Law Enforcement Agencies. Often, more than one agency is involved in the review and investigation of reported activity.
Your Grand Jury heard that revised training that is being provided to DCF employees includes components dealing with appropriate procedures for reporting allegations of wrongdoing as well as ethical considerations of truthfully and accurately collecting and documenting information.

Your Grand Jury therefore finds that recommendation number two of the 1998 Spring Term Grand Jury has been partially met in that suspicious activity is being reported and investigated. Employees are being trained to follow proper procedure and are being advised of the importance of reporting inappropriate activity. We further recommend that efforts to maintain and improve the process must be continued.

3. The 1998 Spring Term Grand Jury state:
"Throughout the report, lack of communication between the Dependency Courts and the District 10 is evident. There should be the establishment of a committee involving one or more of the Dependency Court Judges and the District Administrators which would meet regularly to review and analyze agency and court issues. A mediator to initiate this process should be considered. This proposed committee should have some authority so that its recommendations will lead to change and improvement."

Your Grand Jury heard testimony from the members of the Judiciary and General Masters assigned to the Broward County Dependency Courts and DCF administrators. We learned a Judge in Broward Dependency Court at the time of the inquiry by the 1998 Spring Term Grand Jury is now the head of DCF. Since her appointment communications between the Judiciary in Broward County and DCF have greatly improved. Communication has therefore improved without the creation of the type of committee recommended by the 1998 Spring Term Grand Jury.

The testimony heard by your Grand Jury established that the line of communication between the Judiciary and DCF does exist. One General Master testified that he often contacts DCF supervisors when he experiences problems with individual DCF employees.

Testimony was also received regarding the creation of a Pilot Dependency Court Project which was created and funded by the Legislature. This project has made it possible for General Masters to help in the processing of dependency cases. The steering committee of
the Pilot Dependency Court Project oversees the progress of the project and its members work as a unit to resolve issues and more efficiently direct the progress of cases through the courts. Although this committee does not specifically meet the recommendation of the 1998 Spring Term Grand Jury it does in a sense serve the purpose of the recommendation in that it enables communication and cooperation between the Judiciary and DCF.

Therefore, your Grand Jury finds that recommendation number three of the 1998 Spring Term Grand Jury has been partially met.

1. 1. The 1998 Spring Term Grand Jury stated:

   “The legislatively-mandated policy of protection of the child as the first priority of the Department will likely increase court referrals. Our Dependency Courts are already overloaded. Additional judicial manpower is imperative if our children’s safety and welfare are to be protected. Acknowledging that a third judge has been added to the Dependency Court, your Grand Jury recommends the use of General Masters. The General Masters could hear and resolve routine matters and thereby relieve the congestion of the Dependency Court dockets.”

   Your Grand Jury received testimony from two of the Judges currently assigned to Dependency Court, from two General Masters currently assigned to Dependency Court and from an administrator who oversees the collection of statistics regarding the Dependency Court Pilot Project. We were advised that two General Master positions have been created and a third such position is in the process of being filled. The General Masters hear routine matters and hold review hearings.

   We heard testimony from a court administrator regarding statistics collected that reflect the number of hearings held on dependency cases by the General Masters and the time frames in which those hearings are held. The statistics received in evidence reflect that since the inception of the program cases are reviewed more often and in a timelier manner. The testimony established that the quality of the supervision given to cases and the efficiency of the Dependency Court has been enhanced by the implementation of the use of General Masters.

   Therefore, your Grand Jury finds that recommendation number four of the 1998 Spring Term Grand Jury has been met.
5. The 1998 Spring Term Grand Jury stated:

“Testimony revealed that partial failure of the “Court Unit Program” resulted in the apparent abandonment of the entire program. In order to provide additional time for case workers to be in the field, as discussed on page 45, the Grand Jury recommends that the District and the courts consider reinstating the “Court Unit Program” at a minimum on a trial basis.”

Your Grand Jury heard testimony from members of the Judiciary and General Masters assigned to Dependency Court. They indicated that a “Court Unit Program” does not exist but that DCF has assigned employees to be in court and act as “court liaisons.” The purpose of these liaisons is to facilitate information to the court regarding cases when the assigned worker cannot be there. The testimony indicated that quite often the “court liaison” is not properly informed regarding the particular case and can therefore not adequately advise the court regarding the case.

Therefore, your Grand Jury finds that recommendation number five of the 1998 Spring Term Grand Jury has not been met.

6. The 1998 Spring Term Grand Jury stated:

“It has been brought to the attention of the Grand Jury that the Broward Sheriff’s Office may assume responsibilities for protective investigations. This is a question which this Grand Jury chooses not to address other than by recommending that the matter be strongly considered. Negotiations for this contract have in fact begun, however, funding issues, jurisdictional questions, and several other matter(sic) must first be resolved prior to any such change. We are advised that similar negotiations in Pasco County have continued for nearly a year without a final agreement. This is a complex issue; in Manatee County, the Sheriff’s protective investigations contract is 36 pages long. Manatee County is both smaller in population and size than Broward County and has only one law enforcement agency, the Sheriff’s Office, while Broward County has 27 law enforcement agencies.

In the interim, protective investigators should have direct and immediate access to all resources which would enable them to perform through background checks and locate parents.”
Your Grand Jury heard testimony from various employees of the Broward Sheriff's Office. We learned that the Sheriff's Office began incrementally assuming responsibility for child protective investigations in Broward during July of 1999. On January 10, 2000 BSO assumed full responsibility for all investigations of abuse and neglect. The testimony received establishes that child protective investigators have direct and immediate access to all resources which enable them to perform thorough background checks when necessary during the course of an investigation and to locate parents.

Therefore, Your Grand Jury finds that recommendation number six of the 1998 Spring Term Grand Jury has been met.

7. The 1998 Spring Term Grand Jury states:

“Referral of cases to the court is currently a discretionary matter(sic) for the caseworkers and their supervisors. As is evident from this report, many cases which should have come before the Dependency Court are closed without judicial review. The District needs to follow its legislative mandate that safety of the child is its overriding concern. Definitive criteria for review are already in place, however, clear policies and procedures for court referral are lacking, or if established, are not being followed by the District.”

Your Grand Jury heard testimony from the child protective investigators from the Broward Sheriff’s Office investigative unit. They described the type of training they receive. We heard testimony regarding the risk assessment instrument which they are trained to prepare with reference to each case that they investigate. The instrument is very comprehensive and the results are the main factor in making the decision to refer a case for judicial review. Testimony regarding the policies and procedures for court referral of cases establishes that they are clear and being followed.

Therefore, your Grand Jury finds that recommendation number 7 of the 1998 Spring Term Grand Jury is being met.

8. The 1998 Spring Term Grand Jury stated:

“Testimony to previous Grand Juries, as well as this one, revealed that current training does not adequately prepare employees for their casework. The Department must revamp its entire training program, both with regard to materials and methodology. Training should include
some type of mentoring program which includes a minimum of 1/3 of time spent in the field working under the direct supervision of an experienced caseworker acting as a mentor.”

Your Grand Jury heard testimony from DCF administrators that established that when the present administration took over they rewrote their mission statement to emphasize that the safety and well-being of the child is their foremost objective. Testimony indicated that all DCF employees are trained and required to keep the safety of the child as the number one priority.

Your Grand Jury heard testimony from DCF administrators who have created the training manuals and written the objectives and procedures. We learned that the training materials have been completely revised to be clearer and more in line with the objective of providing quality care.

We heard testimony from the educational entity that has been contracted by DCF to conduct the training of new employees and provide continuing education courses to other employees. We received in evidence and have reviewed the actual training manual currently in use, and copies of the forms and the policies of DCF.

Testimony received by your Grand Jury indicates that new workers are accompanied during their initial field work by more experienced workers in the role of trainer/supervisor. Testimony further revealed that a mentoring program has been created whereby a more experienced worker will be assigned to be available to help, direct and advise newer workers.

Testimony also informed your Grand Jury that continuing education courses are provided to update workers on policies or innovations in the field as well as reinforcing skills. However, it is apparent that there may be long time employees of DCF trained under past administrations who may be resistant to change and may adhere to past philosophies and procedures.

Therefore, your Grand Jury finds that recommendation number eight of the 1998 Spring Term Grand Jury has been met.

9. The 1998 Spring Term Grand Jury stated:
“Testimony revealed that the processing and assessment of incoming foster care children’s needs are not always thorough. The Department should establish and follow a consistent procedure for processing and assessing these incoming children. This will insure that the children receive proper psychosocial and physical care. In addition, photographs, DNA samples, and fingerprints should be collected in order to facilitate tracing runaway children. Currently, the District is not collecting this information on its foster children. “

Your Grand Jury heard testimony from top administrators of DCF as well as from workers and child protective investigators regarding the detailed risk assessment instruments. These instruments are used from the inception of an investigation through the intake once a child is placed in the care of the Department. Examples of the actual assessment instruments used were introduced in evidence before this Grand Jury. Testimony from an employee of the educational entity that conducts the training of workers explained in detail the preparation of an assessment instrument. Testimony from the highest ranks of DCF emphasized the importance of proper use of the instruments in not only determining the degree of risk of a child and therefore the necessity for removal or intervention but also in determining the appropriate types of treatment necessary. If mental health issues are indicated in the assessment instruments then appropriate referrals are made.

Testimony indicated that a nurse is present at the assessment center at which all children coming into the care of the department are processed. This nurse conducts a health screening of the child as part of the intake. There often are no prior medical records of the child available as some children have never been seen by a physician prior to coming into the care of DCF or the information regarding their past care may not be available.

Your Grand Jury received no testimony that establishes that children are photographed, fingerprinted or that DNA samples are taken from them upon coming into care or at any other point.

Therefore, your Grand Jury finds that the first part of recommendation number nine of the 1998 Spring Term Grand Jury regarding assessment is being met but the second part of the recommendation is not being met.

10. The 1998 Spring Term Grand Jury stated:
“Currently, parents whose children are in foster care are allowed to visit their children only once per month. These infrequent visits weaken and destroy the bonds between parent and child. The Department should reevaluate this policy and allow more visitation rights. This would facilitate family reunification when this is an appropriate resolution to the child’s case.”

Your Grand Jury heard testimony from DCF administrators regarding visitation of children in care by parents. The testimony established that visitation, when allowed by the Court, takes place much more frequently than once a month when the parents are willing, available, and in compliance with any requirements established by the Courts.

Therefore, your Grand Jury finds that recommendation number ten of the 1998 Spring Term Grand Jury has been met.

11. 11. The 1998 Spring Term Grand Jury stated:

“It has come to the attention of this Grand Jury that there is a serious problem with the District’s response to babies born with alcohol and/or controlled substances in their system. As noted in this report, the mothers of these children do not often obtain proper treatment for themselves or for their children. Often, additional drug babies are born to the same mother. Referral to the Dependency Courts is currently a discretionary matter. We recommend all drug babies should be automatically referred to the Dependency Court as a matter of policy rather than leaving the decision to seek court review with the individual caseworker.”

Your Grand Jury heard testimony from child protective investigators, case workers and DCF administrators that indicated that when drugs or alcohol are present in a newborn local hospitals immediately report such information to DCF. This is done via the hotline or directly to a case worker if one is already involved with the particular mother. We heard that cases are opened and referred to the Dependency Courts without exception.

Therefore, your Grand Jury finds that recommendation number eleven of the 1998 Spring Term Grand Jury has been met.

12. 12. The 1998 Spring Term Grand Jury stated:

“Testing and treatment of parents of children under the Department’s supervision with drug and/or alcohol addiction is currently voluntary. However, your Grand Jury believes that at a
minimum these parents should be required to undergo mandatory testing. Only if there is court ordered supervision will some parents change their behavior with regard to drug abuse. To promote better compliance, it is recommended that if the parent is determined to be unable to pay, testing be provided free of charge.”

Your Grand Jury heard testimony regarding the services offered to parents who have children involved in Dependency Court and are found to be abusing alcohol and/or controlled substances. Your Grand Jury heard from both Judges, General Masters and DCF employees that there is a high correlation between substance abuse and the abuse and/or neglect of children. We heard that Judges order treatment as part of the case plans for reunification on a regular basis and that random drug testing is ordered and utilized in monitoring the parent. While the treatment is not “ordered” in the sense that the parent is forced to obtain it, treatment and testing are ordered as a condition of reunification with the child or dismissal of a case from Dependency Court.

Testimony indicated there are various agencies involved in providing therapy and treatment at locations throughout the county. Scheduling is formatted throughout the day and child care is available. If an individual cannot afford the cost of court ordered drug testing it is conducted at no cost.

Your Grand Jury heard from an attorney assigned to the Drug Court. Drug Court handles the cases of first time drug offenders. Participation in Drug Court is voluntary and the supervision is intensive, and treatment is provided to the offender. It was explained to Your Grand Jury that many of the individuals attending Drug Court are also involved in Dependency Court. We were advised that there is a project in the process of being implemented that would establish a Dependency Drug Court that would handle the cases of individuals involved in both systems.

Therefore, your Grand Jury finds that the recommendation number 12 of the 1998 Spring Term Grand Jury has been met.

13. The 1998 Spring Term Grand Jury stated: “Your Grand Jury is concerned that adoption applications are neither comprehensive nor carefully reviewed. DCFS does not require formal investigations by trained, experienced
personnel into all prospective parents. The alleged intrusiveness of such investigations is justified when there could be potential harm to a foster child by a person who might abuse neglect, or abandon the child. The adoption application forms should be changed to require thorough national, background investigations. A formal investigation of prospective parent(sic) should be initiated immediately. We further recommend it be made a felony to lie on a foster parent and/or adoption application."

Your Grand Jury heard testimony regarding an instance in the recent past when an individual with prior arrests for sexual offenses against children in another state was licensed as a foster parent here in Florida. That individual assaulted a child placed in his care. We heard testimony from DCF administrators that they responded to this situation by implementing a process whereby now national criminal background checks of all prospective foster and adoptive parents are conducted.

We heard testimony regarding the processing of foster care and adoption applications that indicated they are comprehensive and closely scrutinized by DCF. We received a copy of an adoption application in evidence and reviewed it. We were advised that a home study is conducted in each case before a child is placed. We also learned that a license to be a foster parent must be renewed yearly.

Your Grand Jury heard testimony regarding the fact that providing false information in a foster care or adoption application is still not a crime.

Therefore, your Grand Jury finds that the first part of the recommendations made in recommendation number thirteen of the 1998 Spring Term Grand Jury has been met partially and that the second part of the recommendation has not been met.

14. 14. The 1998 Spring Term Grand Jury found:

"It is essential that District 10 pursue its fair share of statewide appropriation. This includes and requires outspoken delivery of our community’s need to higher levels of administration in Tallahassee and to the Legislature. Therefore, this Grand Jury recommends the following:

a. a. Serious consideration be given to the establishment of innovatively managed large group homes."
b. State Legislators must address the problem of inequitable funding. There is no reason not to allocate funding more equitably among the districts.

c. Funding for sexual abuse victims should be provided by the state.

d. The Broward County Commission should place for referendum an ad valorem tax to supplement children’s services. This has been enacted in Palm Beach County and has resulted in nearly twice as much money being generated at the County government level for child welfare needs.”

Your Grand Jury received testimony from DCF administrators as well as private care providers who contract with the DCF regarding the existence of large congregate living facilities that house children in DCF care. An administrator from one such facility testified that their program runs 11 homes with an average of 4-6 children in each. The children are supervised by one adult houseparent who lives in the home with the children. Large sibling groups which are traditionally very hard to place in a traditional foster care setting live in these group homes. We also learned of other group homes operated by other private care providers who contract with DCF. Children in some homes are teenagers and in others younger children with special needs.

However, your Grand Jury was made aware of a new Legislative mandate that requires the elimination of congregate living facilities. The Department has been charged with the responsibility of phasing out all such facilities.

Your Grand Jury heard testimony from administrators from the finance department of DCF as well as from top administrators regarding the distribution and allocation of state funds. Testimony to your Grand Jury indicated that prior to the current DCF administration taking over there was no clearly ascertainable formula for the distribution of funds.

Your Grand Jury received testimony regarding the current allocation of funds. It is now based on a district population. We were made aware of the current budget allocations per child and learned that District Ten is currently receiving a higher share per child than it would be entitled to in a completely equitable per child in care distribution. However, due to the past chronic severe underfunding of District Ten this excess funding is necessary to bring services to an adequate level.
Your Grand Jury heard testimony about the Sexual Abuse Treatment Center where all victims of sexual abuse are examined and can receive therapy. This center is funded by the State.

Your Grand Jury heard testimony regarding a referendum authorizing an ad valorem tax. The proceeds of the tax are to be used exclusively for children’s services. Said referendum was voted on and passed by the citizens of Broward County in September of 2000. As a result a Children’s Services Board has been created which will manage the expenditure of those funds.

Therefore, your Grand Jury finds that the first part of recommendation number fourteen of the 1998 Spring Term Grand Jury was partially met but must now be abandoned due to legislative mandate, and that the second, third and fourth parts of the recommendation have been met.

15. 15. The 1998 Spring Term Grand Jury stated:

“The Department should require child support from parents of children in foster care. The Florida Legislature has established a Foster Care Child Support Trust Fund dating back to 1996. The federal government requires states to collect child support for children who do not dwell with both parents. Currently, the Department does not collect child support from parents of children in foster care. It is believed that there are many parents who can provide child support for their children who are in foster care. If the Department began to require child support, this would infuse millions of dollars into the foster care system. This could be implemented by requiring a child support hearing linked to every dependency hearing. A hearing officer could later determine if child support is not paid, enter deduction orders and incarcerate parents for failure to pay.”

Your Grand Jury heard testimony from members of DCF regarding the funding of the foster care system that revealed no implementation of any system for the collection of child support from the parents of children in the foster care system is in place.

Therefore, Your Grand Jury finds that recommendation number 15 of the 1998 Spring Term Grand Jury has not been met.

16. 16. The 1998 Spring Term Grand Jury stated:
"The District does not take advantage of the many free services available within the community. There is no reason not to do so. In addition, greater efforts should be made to engage community businesses in donating services. As in the Home Depot example, there are companies which are willing to help.

It is imperative that the availability of all free community services be communicated to all case workers and that such services be utilized fully. This apparently has not been done, as in the Girl Scout example on page 44."

Your Grand Jury heard testimony that the current DCF administration recognizes that there are many entities including charitable organizations, businesses and private citizens, that are willing and able to assist in supplying the needs of children in care. In that vein a person specializing in the recruitment and solicitation of such services has been charged with this task. This person has in fact collected millions of dollars.

Your Grand Jury had the opportunity to examine a comprehensive listing of the entities recruited and their donations.

Therefore, your Grand Jury finds that recommendation number 16 of the 1998 Spring Term Grand Jury has been met.

17. The 1998 Spring Term Grand Jury stated:

"The Department needs to improve its ability to recruit and train foster and adoptive parents. Efforts should be made to target prospective foster care and adoptive parents from diverse financial and demographic population. Potential foster care and adoptive parents also need better preparation and training. The Department must more adequately inform prospective parents as to the background and special issues involved with children being placed in their care. More training should be implemented which would properly equip foster care parents to handle special needs children."

Your Grand Jury has heard testimony from both DCF and individuals who deal with recruitment with various private agencies involved in providing care in Broward County. Testimony indicates that faith based organizations fare best in the recruitment of parents. We heard of the efforts made by DCF and the private agencies to recruit parents from all economic
and social groups. There appear to be many persons interested in being foster parents but many are “weed out” during the process of training and investigating for licensure.

Your Grand Jury heard testimony from instructors who provide the mandatory training necessary to obtain licensure to be a foster or adoptive parent. Instructors who testified were both DCF employees and employees of private agencies. We also heard testimony from foster and adoptive parents. The testimony consistently reflected that the training is appropriate and helpful although everyone involved indicated that many issues can only be dealt with as they arise. The foster parents explained that support when those issues do come up is harder to obtain from DCF than from the private agencies.

Your Grand Jury heard testimony regarding the coding of DCF’s files on children with special health or behavioral issues. We heard that there are codes to be included in the files called “alerts”. These alerts are crucial information about the child which it is imperative to provide to the child’s caretaker.

Your Grand Jury heard from the person who was in charge of entering those codes until a year ago. This person is no longer employed with DCF. It appears that due to issues dealing with the training of replacement personnel the codes ceased to be documented. The documentation of this type of information is necessary to properly impart this information to prospective caretakers.

Your Grand Jury heard from a foster parent who has been involved in caring for children for years and was caring for two young children when they were asked to care for a third older child on a temporary basis. The child’s file was not turned over to the foster family at the time the child was placed with them. We heard from the social worker who placed the child and were told that the file was not ready at the time of the placement. In addition, the testimony of the worker indicated that although there was some information in the file regarding prior allegations of sexual activity by the child there were no alerts on the file. As a result, no information whatsoever regarding any special precautions to be taken regarding the child were given to the foster parent. The child ended up becoming involved in sexual activity with the two younger children in the home.
Testimony from members of DCF indicates that updating all files with alerts and relevant information has become a priority. We also received testimony regarding the implementation of a new computer system called “HomeSafeNet” that is in the process of being put in place which will integrate all the information collected regarding children. It will also make reviewing and updating of children’s files easier, which should ensure quality and consistency.

Therefore, your Grand Jury finds that the first recommendation of the 1998 Spring Term Grand Jury regarding the recruitment of foster and adoptive parents has been partially met but efforts to improve the recruitment efforts and widen the recruitment pool must continue. The second part of the recommendation regarding improvement of training of prospective foster and adoptive parents so they can deal with special needs has been partially met but also needs continued improvement especially when it comes to support after placement. The last part of the recommendation dealing with adequately informing prospective caretakers regarding the background of a child has not been met, but DCF indicates it is in the process of being met.

18. The 1998 Spring Term Grand Jury state:

“The terrible morale at the District is not merely the result of disgruntlement and job dissatisfaction. It stems largely from the sense of hopelessness and despair which sets in once the employees realize that they are faced with extraordinarily difficult problems, insufficient resources, and an apparently uncaring administration. Employee morale is the foundation of any good organization. It will be very difficult to implement the proceeding recommendations unless the District’s morale problem is addressed. Improvement of morale must be a top priority for the District.”

Your Grand Jury heard testimony regarding some of the same problems that the 1998 Grand Jury received. We were told that high case loads, constant turnover, lack of clear objectives regarding goals, and lack of resources continue to affect morale. In addition, your Grand Jury heard testimony regarding law suits currently pending against DCF and DCF employees. All these factors contribute to the lack of morale.

On the positive side, however, your Grand Jury received testimony regarding the lowering of case loads, and the redefining of goals and policies. This may account for the recent reduction in turnover rate which was testified to by DCF administrators.
Therefore, your Grand Jury finds that recommendation number 18 of the 1998 Spring Term Grand Jury has not been met but is in the process of being met.

19. The 1998 Spring Term Grand Jury stated:

“The administration is unfortunately reflective of the nearly complete indifference with which child welfare is regarded by the general public as well as our elected leaders. It is an outrage that for at least 17 years the needs of our children, which are so desperate and so obvious, have been largely ignored. As a final recommendation, your Grand Jury asks that a future Grand, within two years, review the interim reports from the 1981, 1984, 1986, as well as this report. Our successor Grand Jury should insure that all recommendations have been appropriately addressed. Their report should emphasize to our community those recommendations in this report and the previous reports which have been ignored, jeopardizing the safety and well being of our children in Broward County. In light of the past willful neglect, your Grand Jury feels criminal investigations and indictments should be issued as warranted.

Your Grand Jury finds that this last recommendation is hereby being met.
Your Grand Jury finds, as the 1998 Spring Term Grand Jury did, that testimony presented establishes that many of the problems facing DCF and/or District Ten remain unresolved. Your Grand Jury heard extensive testimony regarding the reorganization and implementation of new strategies by DCF. Such changes are positive and progress has been made. There still appears to be a need for additional modifications to the existing procedures. Fully accomplishing reforms of such magnitude will require a reasonable period of time. For the good of the children and families in our community your Grand Jury recommends as follows:

1. Your Grand Jury has received testimony that indicates that despite the efforts by DCF to implement “best practices” pursuant to recommendations made by experts in the field of child welfare there is much diversity in the quality of care received by our children. Also, there is inconsistency in the degree of judicial scrutiny afforded. To assure consistency in quality of care your Grand Jury recommends that an oversight committee be created whose members consist of administrators from DCF’s Systems of Care Division, the Guardian Ad Litem’s office, the Broward Sheriff’s Office, the Attorney General’s Office, and the Child Protection Team. This committee should meet on a quarterly basis. The committee should review a random sampling equal to one per cent of the complete case file, including the child protective investigation, which are pending or have been closed in the quarter preceding the review. The review should determine if the case was processed appropriately according to the established standards in all aspects of the system. The findings of the committee should be documented in a report which is to be supplied to and reviewed by the District Administrator and the Secretary of the Department for quality assurance. The report should also be available to the public after assuring steps are taken to ensure the confidentiality of the names of the children and families involved.

2. Your Grand Jury heard testimony that there is no designated entity to whom an adoptive or foster parent can present complaints concerning DCF’s handling of issues of care or any actions taken with regard to the licensing status of the parent. We heard testimony of one instance where it clearly appears that a foster home was closed down based on erroneous information and has remained closed for months. This situation is intolerable as there is a great need for these placements. To ensure prompt review of any such situation we recommend the creation of a Review Board comprised of DCF administrators where an
adoptive or foster parent can have a matter reviewed within 90 days of filing an application for such review. This Review Board should be empowered to make decisions regarding the issue or to refer the issue for review to another appropriate investigating agency.

3. Your Grand Jury received testimony regarding instances of misconduct by employees. This misconduct includes the improper spending of funds, improper processing of applications for aid and failure to inform prospective caretakers of relevant information regarding the children being placed in their care. In order to ensure the integrity of DCF it is imperative that when potentially criminal or negligent conduct occurs the matters be reported for investigation to local law enforcement and/or the Inspector General's office as may be appropriate. It is equally important that appropriate disciplinary action be taken that is commensurate with the findings of the investigators. The disciplinary opinions contained in Inspector General reports should be given great weight.

4. Testimony received by your Grand Jury establishes that an individualized family case plan that addresses all the issues that have brought a particular family into the system is a prerequisite to any reunification. We learned that often the tasks required are dependent on the services available rather than the actual need of the individuals. This practice should be discontinued. We also learned that often the families are not involved in the important process of designing the plans. While the responsibility and ultimate decision as to what tasks and services are appropriate should be the Court's the plans would have a greater probability of success if the families were involved in their creation.

5. Testimony before your Grand Jury indicated that the Dependency Division is severely overloaded. The addition of a third Judge which took place around the time of the report of the 1998 Spring Term Grand Jury and the two General Masters who are currently involved in dependency matters has improved compliance with the statutory time frames and the frequency of judicial review. We are of the opinion that further expansion is needed. Your Grand Jury recommends that another full time Judge be assigned to hear dependency matters and that two additional General Masters be assigned so that each Dependency Court Judge has an assigned General Master. It is the further recommendation of your Grand Jury that the General Masters be given expanded authority similar to that of a Hearing Officer giving their orders the force of law. It is apparent to us that the dockets
could be more expeditiously processed. Waiting times for hearings to be set and heard would be greatly reduced and closer scrutiny will be given to each case.

6. Your Grand Jury heard testimony regarding the proposed creation of a Dependency Drug Court. We urge the creation of this Court and further recommend that it be adequately funded and staffed.

7. Your Grand Jury heard testimony and reviewed documentary evidence presented regarding the training and training materials recently devised and currently used by DCF. Continuing education on topics such as “best practices” as well as other topics of relevance to the field should be mandatory and conducted on a regular basis for the benefit of all employees, including those in supervisory positions.

8. Testimony and evidence reviewed by your Grand Jury establishes that a very high percentage of children in the care of DCF are receiving psychotropic medication and/or medication to control their behavior or other symptoms. In order to ensure that medication not be used as a substitute for other types of intervention, a “Medication Review Committee” should be created. The committee should meet on a quarterly or semi-annual basis and review and monitor the case files including the medical records of all children being treated with such drugs. We suggest that the committee be composed of physicians and mental health professionals qualified to make decisions regarding medication issues.

9. Your Grand Jury learned that there are long waiting periods for obtaining therapeutic evaluations such as the type performed at the Chrysalis Center. It is crucial to the well being of children that their needs be addressed at the soonest possible time. We therefore recommend that the funding and staffing of the Chrysalis Center be augmented or that other such agencies be made available so that all therapeutic needs of the children can be quickly addressed.

10. Your Grand Jury recommends that the Legislature adopt and authorize a budget cycle of at least two years for the Department of Children and Families so that long term planning can be accomplished and thereby continuity of care and programs can be established.
11. Your Grand Jury recommends that the Federal and State Legislatures provide for more flexibility in spending of funds provided to DCF. This flexibility is necessary as all Districts do not have the same needs and there can be fluctuations in demand for certain services within Districts that can not be addressed in a timely manner due to the restrictions on the use of funds imposed at this time.

12. Your Grand Jury heard testimony regarding the difficulties in obtaining appropriate routine medical and dental care for children in the care of DCF. Many children come into the system without ever having received appropriate medical screening or care. When such care has been received by the child, obtaining documentation of same is difficult if not impossible. Health services are crucial to the health and well being of children. Therefore, it is recommended that a clinic or clinics be established by DCF where all children coming into the system can receive a complete medical screening and can be taken for routine medical care. This clinic could be staffed by a number of physicians and physician’s assistants as well as other appropriate personnel. The clinics should include areas of mental health and dental health. It is suggested that such a clinic or clinics could be a joint venture with an entity such as the Hospital District or a teaching hospital affiliated with one of the local universities that have medical programs.

13. Your Grand Jury has heard that foster parents need assistance or guidance in dealing with children in their care frequently. We recommend the creation of an entity that operates 24 hours a day 7 days a week where foster parents can call for immediate assistance.

14. Your Grand Jury has heard testimony that establishes that despite the recommendations of predecessor Grand Juries there is insufficient documentation kept by DCF of the means of identifying children in care. It is the recommendation of your Grand Jury that all children coming into the care of DCF be photographed and fingerprinted and the photographs of children remaining in the care of DCF be updated on a yearly basis. We also recommend that DCF consider collecting and maintaining DNA samples from the children as well.

15. Your Grand Jury heard extensive testimony regarding the legislatively mandated change to Community-Based Care. We heard of the search for a lead agency which will act as the primary services provider for the District. It is the recommendation of your Grand Jury that whatever entity is named as the lead agency be an accredited, non-profit organization.
16. It is the recommendation of your Grand Jury that the Governing Board of the Community-Based Care initiative be a diverse group of leaders representative of the private and public sectors of the child welfare community.

17. Your Grand Jury recommends that DCF and the future Lead agency of the Community-Based Care initiative continue to encourage participation in the foster care system by faith based organizations. JAFCO, Project Teamwork, Calvary Chapel and others have been extremely successful and the wraparound support they offer their foster families should be a model for other agencies.

18. Your Grand Jury learned of the creation of the Broward County Children’s Services Board. This Board is to manage the expenditure of funds collected as a result of the ad valorem tax imposed to enhance children’s services in Broward County. This money should be used to enhance existing services and not to replace funds already earmarked for children’s services.

19. Your Grand Jury recommends that the Broward County Children’s Services Board strongly consider funding preventive services programs for parents and children geared to helping families avoid dependency. Programs should address the issues of parenting, life skills, sex education, substance abuse, and gang awareness.

20. It is the recommendation of your Grand Jury that the SOS Children’s Village changes its mission. We would encourage the SOS Children’s Village becoming an independent living facility.

21. Your Grand Jury recommends that the Independent Living Program be expanded to begin teaching children as young as age eleven appropriate life skills. This program appears to be a realistic manner of helping to ensure that children in the care of DCF will be successful members of society once on their own.

22. Your Grand Jury finds that full implementation of the “HomeSafeNet” computer system is crucial to the success of the child welfare system and the assurance of the safety of children. We strongly recommend that the system be fully implemented and made
completely operational as soon as possible. It is our further recommendation that the system be updated continuously with accurate information and that all individuals in the child welfare system be trained in making appropriate use of the system.

23. Your Grand Jury has heard extensive testimony about the lack of accountability of DCF employees. This lack of accountability may lead to the type of complacency that breeds mediocrity. In order to ensure that children are receiving the best possible care and treatment, it is our recommendation that DCF employees be taken from under the umbrella of civil service and be “service first” employees subject to discipline and dismissal for the lack of adequate job performance.

24. Your Grand Jury has heard testimony from both parties of the Ward lawsuit and is gravely concerned about the cost in terms of funds and time taken from the task of childcare. We recommend both parties put their efforts toward the resolution of the case for the benefit of the children of Broward County.

25. It is the recommendation of your Grand Jury that information provided in adoption and foster parent licensure applications be sworn to by the applicant. Providing false information on said applications should be made a felony offense.

26. Your Grand Jury is aware of the legislative mandate that calls for the elimination of Group Homes. Nonetheless, it is apparent to your Grand Jury that there may always be children that are not able to be placed in traditional foster homes or permanent placements. Group Homes may be the only viable placement option for these children. Therefore, it is our recommendation that the use of Group Homes be minimized but not eliminated.

27. Your Grand Jury learned that the SOS Children’s Village has homes supervised by house parents that have not received MAPP training. It is the recommendation of your Grand Jury that any agency involved in the care of foster children should require mandatory MAPP training for employees who act as caretakers.

28. Your Grand Jury learned of the existence of federal child welfare guidelines called Adoptions and Safe Families’ Act (ASFA). It is our recommendation that all child welfare agencies comply with ASFA requirements.
29. Your Grand Jury has learned that there are many children in the care of DCF that are also involved in Delinquency Court. These children often become difficult to place. It is the recommendation of your Grand Jury that delinquency laws be created or strengthened to assure that delinquent children receive services and interventions of real significance once in the Juvenile Justice system.

30. Your Grand Jury finds that a review of the Delinquency Juvenile Justice system is an appropriate area for a successor Grand Jury to review.

31. There is much room for improvement in nearly every aspect of foster care and related services here in District 10. District 10 has pledged to make efforts to improve its care of dependent children. We believe that can be done. We ask that a future Grand Jury convene in three years to determine whether the care of and quality of life of dependent children in Broward County has improved.

DATED this 4th day of October, A.D., 2001

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Edward A. Rivas, Foreperson
Broward County Grand Jury
Spring Term, 2001