Charlie Crist, Governor
George Sheldon, Secretary

2009 Legislative Update
Case Plans and JRSSR Template Changes
CLS QA Plan Update
APPLA Permanency Goal

Quality Assurance Managers Meeting
September 15, 2009
H. Stephen Pennypacker, Esq.
Family Safety Program Office

Bills Passed Impacting DCF

- SB 126 – Open Records
- HB 1409 – Interstate Compact on the Placement of Children
- SB 2612 – Substance Abuse and Mental Health Treatment Services
- HB 381 – Zahid Jones Act
- HB 123 – Human Smuggling
- HB 1405 – Influenza Vaccine/Child Care
- SB 456 – Mental Illness/Psychiatric Evaluation
- SB 1018 – Guardians Ad Litem
- SB 168 – Statewide Task Force on Human Trafficking
- SB 2188 – Administrative Procedures Act
- SB 1128 – Education/Foster Children
- SB 918 – Florida KidCare
- SB 904 – Parental Responsibility/Time Sharing
- http://www.flsenate.gov
Bills Addressed in Presentation

- HB 381 – “Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act”
- SB 1128 – Education for Children in Shelter Care or Foster Care
- SB 126 – Records Concerning Children
- HB 1409 – Interstate Compact on the Placement of Children
“Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act”

HB 381

• Who was Zahid Jones?
• What happened in his case?

• How did the facts of the case result in what is contained in the statute?
• Plans for implementation?
Zahid Jones, Jr.
(the family)

- Zahid born November 24, 2003
- Two siblings, then 10 and 12 years old
- Mother - Nicole Brewington
- Father - Zahid Jones (incarcerated at time of dependency case)
- Paternal Grandmother – Janice Jones
- Mother’s boyfriend – Kashon Scott
Zahid Jones, Jr. - timeline

- December 4, 2006 – report alleging Zahid had multiple bruises on the back of his legs, on his stomach, and on his neck
- Zahid said mother hit him with a shoe because he was hungry and crying
- CPT - no marks evidencing physical abuse
- Zahid would not speak to CPT case coordinator
Zahid Jones, Jr. – timeline con’t.

• Mother says child had been in the care of the paternal grandmother, Janice Jones
• Mother said that she and grandmother had a physical altercation, that grandmother was trying to get custody of Zahid because his father was going to get out of prison soon
• CPT recommends to mother that she discontinue contact with the paternal grandmother to prevent further physical altercations
Zahid Jones, Jr. – timeline con’t.

• Kashon Scott, living in home, may be selling drugs out of the home
• Mother denies Mr. Scott lives in the home or that any illegal activity is occurring
• Law enforcement unable to determine if drug sales are occurring and if Mr. Scott is in the home
Zahid Jones, Jr. – timeline con’t.

• Mother signs safety plan that includes:
  a) no corporal punishment
  b) adequate food supply at all times
  c) adequate supervision of children
• February 2, 2007, case closed with no findings of alleged maltreatment
• February 6, 2007- new hot line call, allegations that child observed with marks on his face on December 25, 2006 as a result of mother beating child, child appearing malnourished
Zahid Jones, Jr. – timeline con’t.

- Zahid’s brother denies allegations, sister says mother instructed her “not to talk to DCF”
- Confidential informant goes to house, Mr. Scott answers the door, says no drugs for sale
- February 9, 2007 - Zahid examined by CPI, no physical marks or bruises
- Zahid says that he had been hit with a tennis shoe, a dress shoe, and a boot by his mother
- Zahid says that Shon had hit him in the stomach with a shoe, hit him in the chest with a belt and that mother and siblings saw this
- CPI supervisor requests a medical exam and specialized interview at CPT
Zahid Jones, Jr. – timeline con’t.

• Child seen by CPT on February 20, 2007 (eleven days after child acknowledged being hit)
• No physical indicators, child would not respond to interview
• March 1, 2007 – law enforcement tells CPI supervisor that Mr. Scott had recently sold drugs to a confidential informant while Mr. Scott was in a caregiver role to the children
• CPI supervisor orders children removed
Zahid Jones, Jr. – timeline con’t.

• Shelter petition granted the next day, children placed with non-relative – not placed with paternal grandmother
• Court tells mother at shelter hearing that if she takes a drug screen and ensures that paramour is not residing in the home, mother could request a shelter review and court would consider letting children go back home
Zahid Jones, Jr. – timeline con’t.

• Case planning conference held March 23, 2007

• March 28, 2007 – arraignment, mother denies petition

• **April 4, 2007**
  - Shelter review hearing upon mother’s request
  - At hearing: mother, mother’s attorney, CLS attorney, CPI
  - **Not present:** case manager, GAL, GAL attorney

• At shelter review hearing, **court returns children to mother** upon condition that mother does not allow Kashon Scott to live in the home or to be a caretaker for the children

• Case manager learned of hearing one week after hearing
• April 4, 2007 – after shelter hearing, mother comes home from work
• Kashon Scott waiting for her outside
• He follows her inside, grabs her by the arm and forcibly walks her to the bedroom, Zahid is taking a bath
• Scott grabs her by the neck, pushes her into a corner and threatens bodily harm if she calls the police
• Mother breaks loose, runs into bathroom with Zahid, locks door, calls 911 on her cell phone
• Kashon Scott gone by the time law enforcement arrives
Zahid Jones, Jr. – timeline con’t.

• New abuse report received on April 5, 2007 as a result of this incident
• Case manager did a safety visit that afternoon (1:00 – 2:00 p.m.), no reflection in notes of events the previous evening, mother did not mention it during visit, children not interviewed
• CPI supervisor contacted case manager later in the day (4:00 p.m.) before protective investigation commenced, informed case manager of events of prior evening
• Additional home visit by case manager not completed until May 25, 2007 – 50 days later!
Zahid Jones, Jr. – timeline con’t.

- April 5, 2007, mother tells CPI of assault the previous evening, both older children acknowledge witnessing it.
- Mother says she will press charges, get an injunction against Mr. Scott.
- No statement taken from Zahid.
- April 6, 2007 – paternal grandmother contacts CPI to report that Mr. Scott has been in the home. CPI attempts home visit on April 6, 2007, no one home.
- Case manager advises CPI that grandmother had also advised case manager that Mr. Scott may be in the home.
Zahid Jones, Jr. – timeline con’t.

- April 25, 2007 – disposition hearing
  - children adjudicated dependent
  - PDS does not contain any reference to the April 5, 2007 incident

- May 25, 2007 last home visit by case manager
  - No evidence that an adult male was living there
  - Older children said no one else lived in the home, but answers were “guarded”
  - Zahid not interviewed
  - Zahid examined without shirt on, no visible marks on upper body, face or head
Zahid Jones, Jr. – timeline con’t.

- Four days later - May 29, 2007 – Zahid pronounced dead
- Autopsy results – extensive internal injuries
  - ruptured intestines
  - trauma to liver and stomach
  - torn chest muscles
  - cause of death blunt force trauma to abdomen
• Kashon Scott charged with first degree murder
• Convicted of manslaughter and aggravated child abuse
• Sentenced to 60 years
• Kashon Scott charged with first degree murder
• Convicted of manslaughter and aggravated child abuse
• Sentenced to 60 years
• Nicole Brewington charged with aggravated manslaughter, trial later this year
Disclosures after death

• Mother admitted that Mr. Scott had been abusive to all of her children
• Mother admitted she was present during incident when Zahid was punched and hit by Mr. Scott and she did not intervene
• Older children disclosed that Mr. Scott was present in the home every day
• Older children admitted witnessing Mr. Scott striking Zahid and their mother on past occasions, sister testified at trial that Mr. Scott “body-slammed” Zahid
Contributing causes to death

- GAL, GAL attorney, and case manager not present at shelter review hearing
- Zahid not interviewed “due to his age”
- Child not visited weekly upon reunification as required – visited once, then 50 days in between visits by case manager
Zahid’s Law
What does it require?

• CPI must provide contact information to reporter within twenty four hours – 39.301(6)

• CPI must inform reporter that reporter can provide written summary of report to investigator who must include it in master file 39.601(6)
Zahid’s Law
What does it require? (con’t.)

• After commencement of the investigation, a relative may submit a request in writing to the CPI or case manager to receive notification of all proceedings and hearings F.S. 39.301 (15)(b)
• Request must include relative’s name, address, phone number, and relationship to the child F.S. 39.301(15)(b)
• Case plan must include task for case manager to forward relative’s request to attorney for the Department F.S. 39.6011(4)(b)
Zahid’s Law
What does it require? (con’t.)

- CPI or case manager must forward the request for notification to the attorney for the Department
- Attorney for the Department shall notify relative of all hearings either in writing or orally and shall inform relative that he or she has the right to:
  - attend all subsequent hearings
  - submit written reports to the court
  - speak to the court regarding the child

F.S. 39.502(19)
Zahid’s Law
What does it require? (con’t.)

- Court may release attorney from this obligation if relative’s involvement is impeding the dependency process or detrimental to the child’s well-being
  F.S. 39.402(19)
- Failure to provide notice shall not result in any previous action of the court being set aside, reversed, modified, or changed unless court makes a finding that a change is in the child’s best interest
  F.S. 39.301 (15)(b)
Zahid’s Law
What does it require? (con’t.)

• Court must provide notice of next hearing to relatives providing out-of-home care to the child F.S. 39.402(8)(b)(6), 39.506(9)

• At shelter, court must notify the parents, legal custodian, and relatives providing out-of-home care of the importance of the active participation of the relative F.S. 39.402 (8)(b)6.
Zahid’s Law
What does it require? (con’t.)

• Court must notify relatives providing out-of-home care following a shelter petition being granted that relative has the right to:
  - attend all subsequent hearings
  - submit reports to the court
  - speak to the court regarding the child

Zahid’s Law
What does it require? (con’t.)

• A component of quality assurance program shall analyze unaccepted reports to the hotline by identified relatives as part of the review of screened out calls

F.S. 39.201(7)
Education for Children in Shelter or Foster Care
SB 1128

• Legislature finds that disability is a natural part of the human experience
• Improving education results for children with disabilities is an essential element of public policy
• Intent is for children with disabilities known to the Department to have a free, appropriate public education designed to meet their unique needs and prepare them for further education, employment, and independent living
F.S. 39.0016 (3)
Education for Children in Shelter or Foster Care (con’t.)

If:

a) a parent of a child with disabilities or suspected of having disabilities cannot be located, or

b) a court determines that no person has the authority, willingness, or ability to serve as the educational decision maker for the child,

then the court must appoint a “surrogate parent” for the child  F.S. 39.0016 (3)(b), 39.402(11)(d), 39.701(8)(d)
Education for Children in Shelter or Foster Care (con’t.)

• District school superintendent also has the authority to appoint a surrogate parent for a child known to the Department who has or is suspected of having a disability

F.S. 39.0016(3)(b)1
Education for Children in Shelter or Foster Care (con’t.)

- District school superintendent **must** consider **guardian ad litem** for appointment as surrogate parent if GAL has been appointed for the child.
- District school superintendent must accept surrogate parent appointed by the court if court has already appointed one.
- Notice shall be provided to the district school superintendent of appointment by the court.
- Court must accept surrogate parent if already appointed by the district school superintendent.

F.S. 39.0016(3)(b)
Court order appointing surrogate parent shall be entered by court regardless of who makes appointment.

Appointed surrogate parent remains appointed even if child changes school districts.

Court can remove a surrogate parent if in child’s best interest.

F.S. 39.0016 (3)(b)

Other grounds for termination of surrogate parent set forth in F.S. 39.0016(3)(b)6., e.g., parent is located or child is adopted.
What is a surrogate parent?

“Surrogate parent” means an individual appointed to act in the place of a parent in educational decision making and in safeguarding a child’s rights under the Individuals with Disabilities Education Act F.S. 39.0016(1)(c)
Education for Children in Shelter or Foster Care (con’t.)

• Surrogate parent’s responsibility is to be an educational decision maker for the child unless appointed for an additional purpose - not responsible for care, maintenance, custody, or residential placement of the child  
  F.S. 39.001 (3)(b)9.

• Surrogate parent not liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child  
  F.S. 39.001 (3)(b)11.
Who can’t be a surrogate parent?

Surrogate parent cannot be an employee of:
- Department of Education
- local school district
- community-based care provider
- Department of Children and Family Services
- group home staff
- therapeutic foster parents
- any other public or private agency involved in the education of care of the child

F.S. 39.0016(3)(b)2.
Who can be a surrogate parent?

- Surrogate parent can include foster parent or relative caregiver even if employed by one of these agencies.
- Surrogate parent can include guardian ad litem, relative or non-relative.
- Surrogate parent must be at least 18 years old. F.S. 39.0016(3)(b)2.
Education for Children in Shelter or Foster Care (con’t.)

What must a surrogate parent do?
- be acquainted with the child and become knowledgeable about his or her disability and educational needs
- represent the child in all matters relating to identification, evaluation, and educational placement
- represent the interests and safeguard the rights of the child in educational decisions that affect the child F.S. 39.016(3)(b)8.
- successfully complete training using materials developed by the Department of Education to ensure adequate representation of the child F.S. 39.016(3)(b)3.
Education for Children in Shelter or Foster Care (con’t.)

• If “exceptional student” (one with a disability) is placed in a private residential care facility by an agency, within 10 business days the agency must provide written notification of the placement to the school district where the student is currently counted for funding purposes under F.S. 1011.62.

• Child shall be enrolled in school and receive a free and appropriate public education while notice and procedures regarding payment are pending.

• Receiving school district must review the students Individual Education Plan (IEP) within 10 days of receiving notice to determine implementation of IEP.
Education for Children in Shelter or Foster Care (con’t.)

• School district that actually provides education to the child shall report the student for funding purposes F.S. 1003.57(3)

• School districts may have written agreements which specify which district will be responsible for payment; agreement must include 10 day review of IEP

• Interagency agreement between Department of Education and other agencies for interagency coordination must be entered on or before January 1, 2010

• Department of Education, in consultation with agencies and school districts, shall develop procedures for written notification
• If a parent refuses to or is unavailable to consent to access to the child’s medical records by the Department, its contract providers, or the GAL, then court may order such access. F.S. 39.402(11)(b)

• If a parent refuses to or is unavailable to consent to access to the child’s educational records by the Department, its contract providers, or the GAL, then court may order such access. F.S. 39.402(11)(c)
Education for Children in Shelter or Foster Care (con’t.)

- Department of Education to be given access to Florida Safe Families Network (FSFN) to obtain information about children known to DCF, consistent with the Family Educational Rights Privacy Act (FERPA), 20 U.S.C. s. 1232g F.S. 39.0016(20(b)
Records Concerning Children SB 126

• Child’s records must contain at a minimum:
  - child’s case plan
  - full name and street address of all shelters, foster parents, group homes, treatment centers or locations where child has been placed

F.S. 39.00145(1)
Records Concerning Children (con’t)

- Case record must be made available and, upon request, provided at no cost to the child, child’s attorney, caregiver, and GAL
- Provided to child in a manner and setting that are appropriate for the age and maturity of the child
- Court may authorize release of the record to others to ensure appropriate services or for the safety of the child

F.S. 39.00145
Records Concerning Children (con’t)

• Agencies which may share with each other confidential records under Chapter 119:
  - Department of Juvenile Justice
  - Department of Health
  - Agency for Health Care Administration
  - Agency for Persons with Disabilities
  - Department of Education
  - School Districts
  - Department of Revenue
  - Guardian ad Litem
  - Any provider contracting with such agencies

F.S. 39.00145(4)
Records Concerning Children (con’t)

• What may **not** be shared:
  - Records of information made **confidential by federal law**
    F.S. 39.00145(4)(a) (HIPPA)
  - Information concerning clients and **records of certified domestic violence centers**
    F.S. 39.00145(4)(b)
Records Concerning Children (con’t)

• Access to reports and records of child abuse (excluding reporter information) shall be granted to:
  - foster parents with approved home study (if being considered for placement)
  - designee of a licensed residential group home
  - approved relative or non-relative with whom the child is placed
  - pre-adoptive parents with favorable preliminary adoptive home study and adoption entity acting on their behalf
  - adoptive parents
  - an adoption entity acting on behalf or pre-adoptive or adoptive parents

F.S. 39.202(2)r
Records Concerning Children (con’t)

• Reports and records of all cases under Chapter 39 pertaining to a child and family shall be *preserved* until the *child* who is the subject of the record is *30 years of age*

• Within *90 days* after the child leaves Department custody, Department shall give *notice* to the person having legal custody of the child or to the young adult who was in the Department’s custody *how the records may be obtained*

F. S. 39.202 (7)(a)
DATE: August 26, 2009

TO: Regional Directors

THROUGH: Peter Duma, Assistant Secretary for Operations
David L. Fairbanks, Assistant Secretary for Program

FROM: Alan Abrahamowitz, State Director, Office of Family Safety

SUBJECT: Implementation of Senate Bill 126 - Implementation Guide

PURPOSE: This memorandum is a follow-up to the June 22 Memo: Implementation of Senate Bill 126. Attached to this memorandum you will find a proposed Implementation Guide along with a copy of the June 22 memorandum. This Guide is intended to ease records for children and young adults who have left the care of the State as well as families who have been involved in investigations. Under development at this time are guidelines for release of records to children who have been adopted.

ACTION REQUIRED: Please disseminate the Guide to your local leadership team, including regional counsel, lead agencies and Sheriff’s offices who conduct child protective investigations. We seek input on the process and timelines associated with the release of records within your local system of care. Please provide this input by September 7, 2009 to Pat Badland.

CONTACT INFORMATION: For additional information please contact Pat Badland at 222-2293 or via email at pat_badland@dcf.state.fl.us

Attachments

1517 Windsor Boulevard, Tallahassee, Florida 32399-0788
ACCESS TO CHILD PROTECTION CASE RECORDS

Implementation of SB 126 – Open Records

The following proposed guidelines are established to ensure compliance with s.39.00145, Florida Statutes, establishing clear authorization for the release of case records of a child under the supervision or in the custody of the Department of Children and Families. The guidelines apply to children who were subject to an investigation that did not result in a removal, those who were in out of home care and subsequently returned to a parent or relative and youth who age out of care. The General Counsel’s office is currently developing guidelines regarding the release of records that contain adoption-related information.

Within 90 days after a child leaves the Department’s custody, information must be provided to a person with legal custody of the child or the young adult who was in the Department’s custody on how to obtain a case record. Effective immediately, Children’s Legal Services is required to include in all court orders where custody of a child is changed, notification that records are available to the child, the child’s caregiver, guardian ad litem, or attorney until the child reaches the age of 30 years.
The brochure (attached) describing the child protection process that our child protection investigators are required to provide to parents and caretakers has been recently updated and clearly states the right to obtain copies of case records. To order a new shipment of brochures from our warehouse, DCF staff must complete an ARTS requisition, and submit the completed and approved requisition to DCF Purchasing. Providers or contractors can call PRIDE at 1-877-277-2208 to order forms and brochures from the warehouse. Creole and Spanish versions are only available in DCF Forms. The Creole version is numbered CF/PI 175-69, and the Spanish version is numbered CF/PI 176-66.

When a protective investigator, case worker or other provider in the local system of care receives a request from an authorized party for a case record, notification of such request must be transferred in writing to the single point of contact. This request must be submitted no later than 24 hours after receipt of the request.
• The single point of contact for the protective investigator shall be either the identified department or sheriff’s representative. The single point of contact for a case worker or provider shall be the identified lead agency representative. The contact list (attached) identifies the single point of contact for each department, lead agency and sheriff’s office who will be responsible for ensuring that the complete case record is retrieved from investigative and case management entities upon receipt of request.

• No later than September 30, 2009, a written communication on local protocol establishing the regional single point of contact who must be notified of all requests for case records received from authorized parties by investigators, case managers and other professionals who may receive such requests must be developed and submitted to the Assistant Secretary for Operations.
• An initial redaction of documents shall be performed by the custodian of the record and submitted to the single point of contact within 14 days of the receipt of the request. Following redaction, the case record must be submitted to Regional General Counsel Offices’ by the single point of contact for review and approval of release which must occur within 14 days of receipt of Regional General Counsel.

• The single point of contact must notify the requesting party within two days of receipt of the record of the time and place to be provided the case record.

• The time frames are developed to ensure the case record is provided to the authorized party no later than 30 days after the request is received by the single point of contact. The written communication establishing local protocol may depart from the 14 day redaction and legal review time frames proposed so long as the case record is provided to the authorized party no later than 30 days after the request is made.
• The authorized party will be notified by the single point of contact if there are any delays in the ability to respond to the request for the case record within this established 30 day time frame.

• All case records must be presented free of charge in hard copy and not by electronic means to maintain integrity of the careful review and redaction of the documents.

• A complete and accurate copy of the case record includes the full name and street address of all shelters, foster and group homes, treatment facilities or locations where the child has been placed. It also includes case plans, pre-disposition reports, judicial reviews reports, court orders, guardian ad litem reports, evaluations and comprehensive assessments, medical health history, school records and report cards, mental health reports, hospitalization / residential setting records, any letters, photographs and all other information contained in the case record as directed under law.
• All local procedures for the destruction of records shall be revised in accordance with the new statutory requirement to preserve the case record pertaining to a child and family until the child who is the subject of the record is 30 years of age.

• The following guidelines are offered by the General Counsel’s Office of the Department:

• Confidential information regarding other individuals (adult or child) contained in the case record must be redacted if the information is specifically confidential by a state or federal law to be withheld.

• The law is meant to apply only to a child’s case record, which includes the investigation and any subsequent services provided.

• Each custodian of records will be responsible to redact the records in their custody. DCF Regional General Counsel Offices will be the final review of the case record before it is released to the requesting party.
Interstate Compact on the Placement of Children
HB 1409

- Will replace current ICPC when 35 states pass it
- Eleven states have passed it to date
- Current ICPC remains in effect
- New ICPC
  - creates Interstate Commission to provide a forum for redress of grievances, establish a consistent process for placement between states
  - allows children to be placed for private adoption to travel before homestudy is approved if all paperwork has been reviewed by both states
Case Plan and JRSSR Template Changes

Why do we need new templates?

- No page numbers in current documents
- Case plan tasks not written in plain, easily understandable English, e.g., task is “demonstrable measurable behavioral outcome”
- Some judges have stated that case plan does not meet statutory requirements and can’t be used for a TPR if parent does not substantially comply
Why do we need new templates?

Case Plan Deficiencies (sample of comments from the field)

• Once you choose a case plan goal, there is no way to get rid of it; it appears in addition to the new goal, whether you’re trying to create an amended case plan, or just trying to correct an error
• Time frames for case plan completion and for task completion are problematic – 12 months to complete the case plan is being generated automatically, with no ability to adjust to 9 months, 6 months, or anything else. (What should be entered as the “goal compliance expiration date” for an adoption case plan, or for a PG case plan when you’re terminating supervision simultaneously with adopting the case plan?)
• Time frame to complete tasks allows input of a date only, and for some tasks, like drug screens, there is no date – the task is ongoing
Why do we need new templates? (case plan)

Case Plan Deficiencies (sample of comments from the field)

• Under the “Case Plan Goal” section, legal doesn’t like for case managers to put the actual names of the Guardian/Legal Custodian if the child is not with the parents and there is no option to enter “Foster Care” or “Relative Caregiver”

• Under the “Termination of Parental Rights” section, all of the check boxes appear un-checked when you pull up the Word document unless the case plan is being written at the 12 month mark because when case managers enter that information into FSFN, it is worded “Permanency Considerations Made at 12 months”
Why do we need new templates? (JRSSR)

JRSSR Deficiencies (sample from the field)

- The information about the initial Judicial Review / permanency Judicial Review should be on the first page where you have it now. Underneath that designation the "Date of this Judicial Review" and the "Date of last Judicial Review" should be set out.
- Because there will be a certificate of service on the back of the JRSSR, do we need to have the names of the parties/case manager/ Guardian ad Litem on the front?
- Can you underline, bold and capitalize the section headings? (e.g., I. REASON FOR DEPARTMENT OF CHILDREN AND FAMILIES INVOLVEMENT)(of course I can't get my stupid computer to bold or underline on e-mail....)
Why do we need new templates? (JRSSR)

JRSSR Deficiencies (sample from the field)

- The system populates the adjudicatory date on the JR as the same date of the actual hearing and there seems to be no way to fix it (it is labeled “Date of Hearing/Review Hearing” on the screen and “Adjudication Date” on the template) (The "adjudication date" on the template is pulled from the user entered date on the JR Goal Evaluation Basic screen (in the “legal box”). The problem is that on the actual screen where one enters it, the title next to the user entered date field is "Date of Hearing/Review". The user thinks they are entering the date of the Judicial Review. However, when they look at the Judicial Review Word document, the date they entered in that field comes over as "Adjudication Date".)
What was done?

- Judges and magistrates asked to participate in redesign sessions (judges and magistrates not directly involved in original design sessions)
- CBC’s and CLS also asked to participate
- Beginning in mid-January, weekly telephone webinar sessions every Wednesday morning at 8:00 a.m. for two months
- Began with creation of a summary for current case plan
  - to make review of case plan in court easier
  - to give parents a clear picture of what they need to do and when
Case Plan Summary for
(parent name)

Mother of:
children’s
names

<table>
<thead>
<tr>
<th>CHILD NAME</th>
<th>GOAL OF THE CASE PLAN</th>
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Case Plan must be completed by: ______________________

Case Worker Name: ______________________
Case Worker Phone Number: ______________________
Supervisor Name: ______________________
Supervisor Phone Number: ______________________

<table>
<thead>
<tr>
<th>TASK FOR PARENT</th>
<th>PROVIDER INFORMATION (Name, Address, and Phone Number)</th>
<th>How to begin:</th>
<th>Who pays?</th>
<th>Must be done by:</th>
<th>Task Completed</th>
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**This Document does not replace the official Case Plan that has been ordered by the Court. A material breach of said Case Plan may result in the filing of a petition for termination of parental rights sooner than the compliance period set forth in the case plan.

Your Attorney: ______________________
Attorney Phone Number: ______________________
What was done?

• After refrigerator case plan summary completed group turned to case plan
• Consensus reached section by section, page by page, e.g., “maintain and strengthen current placement” – goal is by child, what if child with one parent and not the other, what should goal be?
• Similar process for judicial review
Is There Hope for a Cure?

- Work completed end of March
- Templates presented to vendor (CGI)
- Refrigerator case plan part of FSFN 2b roll out
- Cost estimate for case plan and JRSSR was very high
- Case plan to be modified in total
- Only part of JRSSR will be modified (front page)
- Both will be part of FSFN 2c roll out
- Walk through templates
CLS QA

• Development of measurement criteria began in early 2009
• Initial plan was to look at specific items relating to CFSR and have goals relate to QIP – seven items agreed upon
• Difficult to measure attorney performance in court without actual observation and stakeholder interviews
## QA Managers Breakout Session
### February 19, 2009

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should CLS QA occur at the same time as base or side by side?</td>
<td><strong>Yes</strong> – Majority agreed side by side process would be a good learning experience for both CLS and FS assuming the same sample is used. – It would be an additional resource for FS and having legal file available for review would be very helpful, especially considering lack of current case plans, court orders in some CBC case files.</td>
</tr>
<tr>
<td>Should CLS QA be included in all in-depth reviews and interviews/stakeholder?</td>
<td><strong>No</strong> – Not for the in-depth interviews. Families may find it inhibiting, may be a problem if parents’ attorney objects etc. <strong>Yes</strong> - Do include CLS in the stakeholder interviews specific to systemic factors</td>
</tr>
<tr>
<td>Should CLS review from same sample or draw their own?</td>
<td><strong>Same Sample</strong> – although it may not fit their needs entirely as all cases would not be judicial. There is a benefit, however, in having CLS review non-judicial cases in which no legal sufficiency was determined. Sample may need to be modified to meet CLS’ needs. Majority of respondents opted to have managing attorney attend the exit conferences rather than debriefings. Exit conferences summarize all preliminary findings and would be more informative for managing attorney.</td>
</tr>
<tr>
<td>Should the managing attorney attend debriefings in lieu of conducting reviews?</td>
<td></td>
</tr>
</tbody>
</table>
| What are the “burning issues” noted over last 3 quarters?               | **Expired case plans**  
  **Communication between CLS and child welfare staff**  
  **Legal sufficiency/conflict resolution**  
  **Adversarial relationship impacts on FCP/family engagement**  
  **Case managers in some circuits not allowed to speak in court**  
  **CLS will not allow case mgmt to address visitation or tasks when goal is adoption – conflicts w/ federal**  
  **CLS restricts case mgmt communication w/ families**  
  **Engage CLS QA in side by side review**  
  **Incorporate discussion of QA review results in quarterly meetings held with CLS/CBC and DCF/CPI to discuss findings and work on resolutions**  
  **SC region has an “initiatives” process that evolves out of the exit conferences. Each entity – i.e. DCF or CBC takes on an initiative/issue identified at the exit and reports on progress toward resolution of the issue at the next exit. Include CLS in the process** |
| How can these issues be effectively communicated and acted upon?         |                                                                                               |
Presence of Children in Court

**Goal:** Increase presence of foster children (age 13 and over) in court at appropriate proceedings.

**Population:** Children age 13 and over in foster care with a JR or Disposition in the period.

**Metric:** Percent of sample in court at JR or Disposition in the period.

**Tracking Method:** QA will randomly sample JR orders to verify children (13 and over) are present in court. These JR orders will be provided by CLS regional support staff as requested by QA via scan/email and/or through Internet based access to Clerk of Court’s files.
Out-of-Home Caregiver Notice

Goal: Ensure proper notice to out-of-home caregivers for all Judicial or Disposition Hearings as well as an opportunity for out-of-home caregivers to be heard at time of hearing.

Population: Children age 13 and over in foster care with a JR or Disposition in the period.

Metric: Percent of sample where the child had an out-of-home caregiver present and introduced to the Court at JR or Disposition.

Tracking Method: QA will randomly sample case files and JR orders provided by CLS regional support staff as requested by QA via scan/email and/or through Internet based access to Clerk of Court’s files. In addition to presence of notice and an opportunity to be heard, QA will also verify if out-of-home caregiver provided written input to the Court as an alternative.
Master Trust

Goal: Ensure that children in care have received proper notice regarding their Master Trust and that the Master Trust Checklist has been completed.

Population: Master Trust children with a Judicial Review or Disposition in the period.

Metric: Percent of sample where the Master Trust Checklist was complete and a notice of fee waiver filed prior to associated Judicial Review hearing.

Tracking Method: QA will randomly sample cases to verify the completion of the Checklist and filing of fee waiver notice by requesting copies of the completed checklist and fee waiver notice from CLS regional support staff via email/scan.
Children in Need of Lawyers

Goal: Ensure that children in care have been assessed for the need for a lawyer and that the child’s legal needs are being met.

Population: All dependent children receiving Case Management services in the period.

Metric: Percent of Survey Responses where a child, with legal needs in addition to their dependency matters, had those needs met.

Tracking Method: QA will develop an email survey to be sent by QA to Case Managers handling cases where children are likely to have legal needs in addition to their dependency matters. Case Managers will be asked: 1) Does the child need a lawyer? 2) If yes, has CLS been notified of child’s need for legal representation?; and 3) Are the child’s legal needs now being met? Surveys will be collected and results compiled by QA.
Identity Verification

Goal: Ensure that the CLS file and all legal documents accurately reflect each child's name and date of birth.

*Population:* All Chapter 39 court cases active *during the period.*

*Metric:* Sample Percent of cases where name and birth verification information is present in file and matches case style.

Tracking Method: QA will request that CLS regional support staff scan and email the verification of birth certificate (vital statistics) from a random sample of all active case files. The verification will then be compared to the case style for any inconsistencies.
Goal: Ensure that children in care have their educational needs addressed by the court.

Population: Children over age of 6 in out-of-home care with Judicial Review or Disposition in period.

Metric: Percent of sample where JRSSR raises and court addresses child's educational needs.

Tracking Method: QA will request that CLS regional support staff scan and email JRSSRs and Court Orders from a random sample of files. The Education Plans contained in the JRSSRs and the related Court Orders will be reviewed by QA to confirm that they adequately address the educational needs of the child.
Independent Living

Goal: Ensure that dependent children receive an appropriate judicial review hearing within 90 days after the child’s 17th birthday.

Population: Dependent children aged 17 entitled to a judicial review hearing pursuant to 39.701 (6)(a).

Metric: Percent of sample where dependent children aged 17 receive the above referenced judicial hearing and have all statutory matters addressed.

Tracking Method: QA will request that CLS regional support staff scan and email JRSSR for dependent children aged 17 to verify the existence of the required judicial review hearing and to confirm that the JRSSR and the court order properly address all items listed in 39.701 (6)(a) 1-10.
Litigation Skills

Goal: Provide Managing and Supervising Attorneys a tool that is used before all CLS Dependency and TPR trials to improve CLS Attorney litigation skills.

Population: All cases with an Adjudicatory Hearing occurring in the period.

Metric: Percent of all cases where a Trial Advocacy Discussion Guide was completed before trial.

Tracking Method: QA and Statewide Litigation Trainers have developed a Trial Discussion Guide to be used jointly by trial counsel and his/her supervisor in preparing cases prior to all trials. QA will review all cases that have been to trial for the presence of the signed Trial Discussion Guide. CLS support staff will scan and email those completed Trial Discussion Guides at the completion of each trial.
### Draft Report Format

#### Quarterly Measures

<table>
<thead>
<tr>
<th>Measures</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presence of Children in Court</td>
<td>50.00%</td>
<td>50.00%</td>
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<tr>
<td>Foster Parent Notice</td>
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<tr>
<td>Master Trust</td>
<td>50.00%</td>
<td>50.00%</td>
<td>50.00%</td>
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<td>50.00%</td>
</tr>
<tr>
<td>Litigation Skills</td>
<td>50.00%</td>
<td>50.00%</td>
<td>50.00%</td>
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</tr>
<tr>
<td>Non-Dependency Lawyers for Children</td>
<td>50.00%</td>
<td>50.00%</td>
<td>50.00%</td>
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<td>50.00%</td>
</tr>
<tr>
<td>Identity Verification</td>
<td>50.00%</td>
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<tr>
<td>Educational Needs</td>
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<td>50.00%</td>
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<tr>
<td>Independent Living</td>
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<td>50.00%</td>
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</tr>
</tbody>
</table>
CLS QA
Preliminary Results and Next Steps

• Reached end of initial review of elements (March – August)

  Good results:
  Children in court
  Identification of children is accurate
  (comparison with birth certificates)

  Not such good results:
  Master trust checklist
  IL

• All areas showed improvement from March – August
CLS QA
Next steps

• Results shared with CLS regional directors and managing attorneys
• Action plan for making improvements to be turned in by managing attorneys within the next month
• Will do follow up assessment after a few months to give time for improvements to be in place
• Will be also be looking at legal documentation and decision making in staffings for legal action
CLS QA
Next steps

• Ludwig compliance – will be looking at:
  - Copy of dependency petition and if case has reached dispo, copy of dispo order
  - Verification that homestudy of recommended placement submitted prior to disposition hearing
  - Single adjudication – not adjudicated as to the mother, as to the father
  - Elimination of term non-offending parent
  - Case transfer between jurisdictions
Next Steps

• On the horizon, will be looking at what managing attorneys think are quality oriented criteria – preparation for court, preparation for trial
• Side by side QA piloted in Circuits 3 and 8 went well, suggestions received and will be incorporated in future process
• Another meeting between CLS QA and Family Safety QA will be set up shortly to agree on side by side methodology and what to assess
APPLA Case Plan Goal

• Question arose as to whether case plan tasks for parents are required to be in a case plan with a goal of another planned permanent Living Arrangement (APPLA)
• APPLA is last in list of permanency goals set out in order of preference F.S. 39.621(2)
  - Reunification
  - Adoption
  - Permanent Guardianship
  - Permanent with a Fit and Willing Relative
  - Another Planned Permanent Living Arrangement
APPLA Goal (F.S. 39.6241)

- For APPLA to be used, court must find that other other goals are not in best interest of the child

- Department must document reasons placement will endure and why more stable and secure than foster care

- Court must find that the health, safety, and well-being of child will not be jeopardized by such an arrangement

- Compelling reasons to show that placement in APPLA is the most appropriate permanency goal
  - parent and child have a significant bond
  - foster parents are committed to raising the child to majority, or
  - Indian tribe has identified APPLA arrangement for the child, or
  - foster child who is 16 years of age order and chooses to remain in foster care and foster parents are willing to care for child until age 18
APPLA Goal

- Should be used sparingly, but appears to be used with some frequency – over 2,400 children with this goal according to FSFN
- 176 children under 13 years of age have this goal
- Efforts to be made through QA to determine whether use is appropriate, starting with these 176 children
- Current emphasis on appropriate use in 4th Circuit (monthly list of children with this goal – staffings set to address possible goal change)
- Miami-Dade has current program to identify APPLA goal and address appropriateness
- What next?
• Questions?
• Questions?