

The Dependency Outlook



THE OFFICE OF COURT IMPROVEMENT

Spring 2013

Statewide Model Courts

Using the Dependency Benchbook as a foundation, model court judges hearing cases involving child abuse and neglect are employing cutting edge court practices and are providing off-the-bench judicial leadership to build strong community partnerships. Florida's court improvement program in the Office of the State Courts Administrator supports the project by facilitating judicial educational opportunities, providing liaisons to work directly with individual jurisdictions, and linking judges to national technical assistance resources. Currently, 17 out of 20 circuits have model courts.

An All-Sites Meeting was held on September 5, 2012, in Orlando, FL. Judges and magistrates from all model court sites were invited to gather and discuss challenges regarding limited resources and building stakeholder buy-in. Other topics of discussion included visitation, children in court, independent living, and child safety. The next All-Sites Meeting will be held in conjunction with the Dependency Summit in August 2013.

Florida Dependency Court Information System

The Florida Dependency Court Information System (FDCIS) is a web-based case management system that provides the judiciary with resources to ensure that court events are held timely and with access to all the necessary information on the children and families involved in the case. The goal of FDCIS is to assist courts in achieving positive outcomes for Florida's abused and neglected children.

FDCIS provides judges, magistrates, and court personnel with resources to ensure the accuracy and timeliness of court events.

The system utilizes data exchanges with DCF and other agencies to reduce or eliminate data entry at the court level.



FDCIS also allows users to run reports on various federal performance measures (e.g., child safety report, time to permanent place-

ment report, etc). Currently, there are 63 registered users operating FDCIS in 11 circuits. To request access to the Florida Dependency Court Information System or receive additional information, please submit a request via email to: fdcis_support@flcourts.org.

The New Dependency Newsletter

This is the introductory edition of *The Dependency Outlook*, created by staff from the Office of Court Improvement and from submissions provided by judges, magistrates, and stakeholders. The purpose of this newsletter is to inform the trial courts and dependency stakeholders of events, publications and news regarding dependency related initiatives. The Dependency Outlook will be distributed quarterly, via email to all dependency stakeholders. For more information please contact Dacia Roberts, editor, at 850-922-9337.

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Florida's Dependency Court Improvement Program

The Dependency Court Improvement Program (CIP) is a grant funded program that assists state courts in improving the handling of dependency cases. Florida, like state court systems around the country, has leveraged CIP funds to accomplish better outcomes for children and families. Florida's CIP team is staffed by attorneys, court analysts, programmers, and support staff. The activities of the team are aimed at improving the safety, permanency, and well-being of children and improving outcomes for families involved in the dependency court process.

The CIP team:

- Provides training and technical assistance to dependency judges, magistrates, and court staff. This includes working with the Dependency Court Improvement Panel to create the 2011 Dependency Benchbook, a user-friendly reference guide that includes state and national laws, rules of court, family-centered practices, and useful judicial bench cards. The CIP team, along with a group of judges and court partners, also produced the dependency virtual court. Modeled after the domestic violence virtual court, this online program is designed to inform new dependency judges on handling cases by taking the user to an interactive courtroom to judge a shelter hearing.
- Develops and maintains the Florida Dependency Court Information System, a web-based case management system that assists judges, magistrates, and court staff with meeting federal and state mandates for dependency cases.
- Promotes collaboration between the courts, the Department of Children and Families, and other child welfare system partners through interagency meetings and the Dependency Court Improvement Panel.
- Produces resources for the public to aid in the understanding of the dependency court process. Some CIP resources include: [Hearing Your Voice: A Dependency Guide for Youth](#), [A Caregivers Guide to Dependency Court](#), [What's Happening in Dependency Court - A Guide for Young Children](#), and [A Family Guide to Dependency Court](#).
- Sends judges, magistrates, and court staff to a variety of state and national training opportunities to help develop expertise throughout the state.

Florida's Model Courts

The mission of Florida's statewide model courts project is to improve safety, permanency, and well-being outcomes for children involved in Florida's court system. Judges and magistrates hearing cases involving child abuse and neglect employ cutting edge court practices and provide off-the-bench judicial leadership to build strong community partnerships. The state's court improvement program supports the model courts by facilitating judicial networking and educational opportunities, providing liaisons to work directly with individual jurisdictions, and linking judges to national technical assistance resources.

2013 Dependency Summit

Florida's annual dependency summit offers judges, magistrates, child protection investigators, case managers, lawyers, stakeholders, and service providers an opportunity to learn about best practices related to child protection, safety, and well-being. The 2013 Dependency Summit will take place August 28-30 at the Peabody Hotel in Orlando. As in years past, CIP staff will work with DCF to ensure that there are several judicially-relevant workshops available.

A Model Courts All-Sites Meeting will be held in conjunction with the summit, and will start the afternoon of August 27. CIP staff are currently working with the Dependency Court Improvement Panel on the agenda for the all-sites meeting. More information on the summit and the all-sites meeting will be distributed when it is available.

Watch for updates on the 2013 Dependency Summit on the Department of Children and Families website at www.myflfamilies.com.

The Importance of Transition Planning

At panel presentations throughout the state, foster parents have been sharing the experiences of children in care, particularly the experiences of children when changing placements. These presentations have brought to light some troubling issues regarding the transition planning for children in the child welfare system. When children change placements from one home to another with insufficient planning, the ensuing disruption can adversely affect any or all of the following: children’s medical appointments, availability of services, visitation, and educational progress. In addition, changes of placement with inadequate notice often prevent children from being able to say goodbye to their caregivers and other children in the home, which can be traumatic for everyone involved. DCF is working to improve the transition planning process and would like judicial involvement and support.

Judge Katherine Essrig, chair of the Dependency Court Improvement Panel, is making this issue a focal point of the Model Courts Project and has sent a letter to each chief judge to find a judicial sponsor in each circuit. The judicial sponsor will be responsible for bringing awareness of the issue to the other judges, magistrates, court staff, and stakeholders in the circuit as well as leading training efforts aimed at improving the transition planning process. Throughout the month of April, Judge Essrig and Mary Cagle (director of Children’s Legal Services–DCF) will be following up with the lead judges in each circuit to plan next steps. If you would like more information about this initiative, please contact Nathan Moon at the Office of Court Improvement (email: moonn@flcourts.org, phone: (850) 487-0843).



Additional resources:

This brief video is an overview of the importance of child centered transitions from Charles H. Zeanah, Jr., M.D., Institute of Infant and Early Childhood Mental Health–Tulane University, School of Medicine
<http://centervideo.forest.usf.edu/qpi/transitions/transitions.html>

This video, “When Children Move... We Can Do Better,” highlights the transition experiences of children in care from the perspective of foster parents:
<http://youtu.be/CyJPqsx-ryk>

Regional Safety Trainings

The Department of Children and Families is implementing a new safety decision-making methodology, which will impact child welfare practice throughout the state on multiple domains—including in the courtroom. Planning is currently underway to train judges and magistrates on the principles of safety decision making as well as the practice changes surrounding this new methodology.

Judge Elizabeth Krier, 20th Judicial Circuit, has agreed to lead up the regional training effort and will be presenting on these issues along with a national resource center representative, and H. Stephen Pennypacker, Esq. who is the Training Director for Children's Legal Services at DCF. The trainings are designed for judges and magistrates who hear dependency cases. Each training will take approximately three hours.

The five regions include: Jacksonville (circuits 3, 4, 7 and 8); Orlando (circuits 5, 9, 10, 18, and 19); Tallahassee (circuits 1, 2, and 14); Tampa (circuits 6, 12, 13 and 20); and West Palm Beach (circuits 11, 15, 16 and 17).

For additional information, please contact Jovasha Lang at langj@flcourts.org or (850) 617-4003.

Project ONE Kicks Off in Two Florida Courts

Project ONE is an initiative of the National Council of Juvenile and Family Court Judges (NCJFCJ) and stands for the principles of **One** family one judge, **No** wrong door, and **Equal** and coordinated access to justice. The North Okaloosa County Unified Family Court in Crestview and the East Pasco County Unified Family Court in Dade City were selected by NCJFCJ as two of the six sites nationally to participate in Project ONE. Florida is the only state with more than one Project ONE site.



E.J. Maldonado, Site Liaison with NCJFCJ

The project entails an analysis of court practices and resources, strategic planning to identify strengths and challenges in the current system, and technical assistance to implement

needed reforms and promising practices in dependency and related juvenile and family cases. This project

complements Florida's Model Courts Project by providing judges, court staff, and stakeholders with a guiding model, training and technical assistance, research and data analysis, and a national network of courts undertaking similar systemic improvements.

E.J. Maldonado, Site Liaison with NCJFCJ, along with CIP staff from the Office of Court Improvement, have already met with the judges, court staff, and community stakeholders in both Dade City and Crestview to kick off Project ONE. The next steps include identifying the data needs of both sites, developing actionable strategic plans, and identifying measurable outcomes.

Family Dependency Drug Courts

A family dependency drug court (FDDC) is a court devoted to cases of child abuse and neglect that involve substance abuse by the child's parents or other caregivers. Its purpose is to protect the safety and welfare of children while giving parents the tools they need to become sober, responsible caregivers. In an FDDC, child protective services and treatment providers join forces to identify, assess, and provide immediate access to substance abuse treatment and other services for substance-abusing parents. The first FDDC opened in 1995 in Reno, Nevada, marking the beginning of a movement that has since taken hold in cities and counties across the United States. In Florida, there are currently 22 FDDCs in operation. Judge Lee Schreiber and a team of drug court stakeholders from the 20th circuit recently observed Miami's FDDC with the aim of developing a new FDDC in Lee County. For more information on family dependency drug courts, please contact Dacia Roberts at robertsd@flcourts.org.

"...CHILD PROTECTIVE SERVICES AND TREATMENT PROVIDERS JOIN FORCES TO IDENTIFY, ASSESS, AND PROVIDE IMMEDIATE ACCESS TO SUBSTANCE ABUSE TREATMENT AND OTHER SERVICES FOR SUBSTANCE-ABUSING PARENTS."

Florida's New Abuse Hotline Command Center

The Department of Children and Families (DCF) successfully implemented an entirely new hotline reporting system on November 17, 2012. The "Florida Abuse Hotline Command Center" replaces a system that had been in operation for decades and introduces new capabilities that will significantly improve responsiveness to child abuse reporting and provide a pathway to the child protective transformation initiative currently occurring statewide. The new Command Center integrates the call-taking, data analysis, and investigation preparation activities into a more cohesive business operation. Comprehensive training on the new technology tools and how they support the new changes has been conducted, and a public awareness campaign to educate the public on the signs of abuse and how to report abuse is forthcoming. The Command Center provides the ability to make reports by phone, fax, and online. More information about the "Florida Abuse Hotline Command Center" is available at www.floridaabusehotline.com. More information about DCF's Child Protection Transformation is available at <http://centervideo.forest.usf.edu/safetymethod/start.html>.

Substantial Compliance in Dependency Cases

Substantial compliance with a case plan is a concept that is sometimes misunderstood in dependency cases. The term does not merely refer to the number of case plan tasks that a parent has completed, but rather it has a specific definition in chapter 39. Section 39.01(73), Florida Statutes, states that substantial compliance “means that the circumstances which caused the creation of the case plan have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child’s remaining with or being returned to the child’s parent.” Thus, the definition of substantial compliance explicitly includes a child safety component. Achieving substantial compliance with the case plan is crucial for parents because the failure to do so will prevent the child from being reunified with the parent and can result in termination of parental rights (TPR).

Section 39.701(10)(d), Florida Statutes, provides that if at any judicial review, the parents have failed to substantially comply and further reunification efforts are without merit and not in the child’s best interest, the court is authorized to order the filing of a TPR petition.

Furthermore, that same section specifically notes that the court may do so whether or not the case plan’s time period for substantial compliance has expired. Substantial compliance with the case plan is a necessary prerequisite to reunification. Specifically, section 39.522(2), Florida Statutes, provides that when the issue is reunification with a parent, “the court must determine whether the parent has substantially complied with the terms of the case plan to the extent that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the return of the child to the home.”

Therefore, if the parent has substantially complied with the case plan, the child must be reunified unless doing so would endanger the child. See *S.V.-R. v. Department of Children and Family Services*, 77 So. 3d 687, 690 (Fla. 3rd DCA 2011)(applying the endangered standard in section 3.522(2) when a non-offending parent seeks to become the permanent custodial parent upon the closing of the dependency case even though the offending parent achieved the tasks for her reunification). It should also be noted that “when a parent has requested reunification and substantially complied with her case plan, there is a presumption that the children

should be returned. This presumption may be overcome by a finding that returning the children would endanger them.” *T.L. v. Department of Children and Families*, 98 So. 3d 785, 788 (Fla. 4th DCA 2012)(reversing an order denying reunification and remanding for further proceedings)(citations and quotations omitted). These are not the only statutes relating to reunification however.

Section 39.621(10) requires the court to base its reunification decision on the effect of the decision on the child’s safety, well-being, and physical and emotional health. The statute then enumerates six factors that must be considered and addressed as findings of fact in the order. They are: the compliance or noncompliance of the parent with the case plan; the circumstances which caused the child’s dependency and whether those circumstances have been resolved; the stability and longevity of the child’s placement; the preferences of the child, if the child is of sufficient age and understanding to express a preference; the recommendation of the current custodian; and the recommendation of the guardian ad litem, if one has been appointed. § 39.621(10)(a)-(f), Fla. Stat. (2012).

April is National Child Abuse Prevention Month

The Child Welfare Information Gateway is reminding everyone that April is National Child Abuse Prevention Month. The Information Gateway is a part of the U.S. Department of Health and Human Services’ Administration for Children and Families. Their website has several resources to help raise awareness, prevent child maltreatment, and promoting well-being. Currently, the site is featuring:

- Preventing Child Maltreatment and Promoting Child Well-Being: Network to Action 2013 Resource Guide,
- Tip sheets addressing particular parenting concerns or questions to distribute to parents and caregivers, and
- Three calendars with activities relating to the six protective factors.

Please visit <http://www.childwelfare.gov/preventing/preventionmonth> for additional information.

Recent Events

February

Project ONE, Dade City – February 6-7, 2013

FDCIS Rollout

A demonstration of the Florida Dependency Court Information System (FDCIS) and a user training session were conducted on February 25, 2013 at the M.C. Blanchard Judicial Building in Pensacola. Approximately 25 people including judges, magistrates, CLS attorneys, and court staff were introduced to FDCIS, received hands-on training, and gave the FDCIS development team feedback and suggestions for improving the system. The FDCIS team will visit the 5th and 15th circuits in the upcoming months as FDCIS is rolled out statewide throughout 2013.

March

Unified Family Court Summit

The Fort Lauderdale Unified Family Court Summit was a model court event coordinated by Judge Hope Bristol and her model court liaison, Jovasha Lang. The summit was held on March 1, 2013 at the Broward County Courthouse. The summit hosted 157 participants, which included judges, magistrates, court administration, and community stakeholders. The workshops were: 1) Cultural Awareness and the Florida Legal System presented by the Florida Muslim Bar Association, 2) Seminole Tribe of Florida: Cultural Competency, and 3) Safety Planning Methodology.

2013 Florida Legislative Session – March 5, 2013 through May 3, 2013

Steering Committee on Families and Children in the Court– March 13-14, 2013

Rosen Centre– Orlando, FL

Florida Chapter Association of Family and Conciliation Courts– March 14-16, 2013

Tenth Annual Conference, Rosen Centre– Orlando, FL

Project ONE, Crestview –March 25-26, 2013

Events on the Horizon

April

National Child Abuse Prevention Month

For more information, visit <http://www.childwelfare.gov/preventing/preventionmonth>.

Visitation Training, April 4, 2013, Bradenton, FL

Judge Lynn Tepper and Dr. Mimi Graham will present a training to the 12th Judicial Circuit titled Family Time Visitation: Why it's Worth All the Effort. The updated family time visitation protocols are also included in the Dependency Benchbook here: [Family Time Visitation](#).

Project ONE– April 23-24, 2013

Strategic planning meeting for Project ONE in the 6th Judicial Circuit, Dade City, FL.

For additional information, please contact John Couch at couchj@flcourts.org or (850) 414-1507.

FDCIS Demonstration and Training – April 25, 2013

The Florida Dependency Court Information System (FDCIS) will be demonstrated to the judges, magistrates, and court staff of the 15th Judicial Circuit, West Palm Beach, FL.

Events on the Horizon, Continued...

May

Court Improvement Program Grantee Meeting - Washington, D.C.

June

The Child's Journey Through the Court System - June 7, 2013, Tallahassee, FL

For more information, please contact Kathleen Tailer at tailerk@flcourts.org or (850) 617-4007.

Steering Committee on Families and Children in the Court – June 20-21, 2013, Orlando, FL

August

All-Sites Meeting– August 27-28, 2013

Peabody Hotel-Orlando, FL

For additional information, please contact Jovasha Lang at langj@flcourts.org or (850) 617-4003.

Dependency Summit– August 28-30, 2013

Peabody Hotel-Orlando, FL

For additional information, please contact Jovasha Lang at langj@flcourts.org or (850) 617-4003.

Dependency Virtual Court Online Training

The dependency virtual court is modeled after the domestic violence virtual court, and takes the user to an interactive courtroom to conduct a shelter hearing. The user watches testimony and then must rule on a variety of issues such as paternity, child support, and psychotropic medication. A variety of resources are also available, such as the Dependency Benchbook, Florida Statutes, and Florida Rules of Juvenile Procedure. This program is an excellent resource for dependency judges, duty judges that hear shelter hearings, and division changers. CLEs and CJs are available for this 90 minute online training.

For more information about the virtual court online training, contact:

Dacia Roberts

Office of Court Improvement

Phone: 850-922-9337 or Fax: 850-414-1505

Email: robertsd@flcourts.org



Request for Articles

Do you have an idea for an article, a best practice to share, or an event to promote? If so, please consider submitting it for a future issue of this newsletter. Your contributions will make *The Dependency Outlook* a more robust and useful tool for judges, magistrates, and court staff throughout Florida. For more information and/or to submit an article, please contact Dacia Roberts at robertsd@flcourts.org.

Requests for Submissions

- Submit articles by the first of March, June, September, and December to be considered for the next newsletter.
- Articles should be related to dependency.
- Photos may be included with submissions.
- Submit articles/photos via email as Microsoft Word attachments.