

The Dependency Outlook



THE OFFICE OF COURT IMPROVEMENT

Summer 2014

Safety Methodology–Local Court Outreach

The Department of Children and Families’ safety methodology is currently being rolled out in jurisdictions throughout the state, with 24 counties fully implementing the methodology and 20 other counties in various stages of implementation. As this process continues, it will be important for dependency judges and magistrates to be able to identify the principles of the new methodology as well as how practice will be affected in the courtroom.

In the past several years, a variety of statewide and regional training events have been coordinated for members of the judiciary on the methodology and components of safety decision making. Most recently, a one-day course was offered at the Florida College of Advanced Judicial Studies on June 11th in Orlando. Approximately 35 dependency judges and magistrates attended this course, which was taught by Judge Elizabeth Krier, Circuit 20; Judge Christopher Patterson, Circuit 14; Tarrin Reed, Action for Child Protection and National Resource Center; Stephen Pennypacker, CEO of Partnership for Strong Families; and Theresa Drake, Director of the Intimate Partner Violence Assistance Clinic at the University of Florida College of Law. Robin Jensen, Statewide Training Director for Children’s Legal Services, was also on hand to provide up-to-date information on the rollout and link course participants with the CLS attorneys across the state who are most engaged in safety methodology issues.

To ensure that members of the judiciary are duly informed of the changes the safety methodology will bring about, members of the CLS Safety Methodology Workgroup have availed themselves to assist judges and magistrates with local implementation and legal issues. If you would like to set up a judicially-focused safety methodology meeting or training in your county, please contact the appropriate representative from the CLS Safety Methodology Workgroup directory listed on the next page.

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Safety Methodology, Continued

CLS Safety Methodology Workgroup Directory:

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2014 Dependency Legislation

Legislation allowing foster children to obtain motor vehicle insurance went into effect on January 1, 2014. Originally introduced as HB 977, the legislation was enacted into law as Chapter 2014-166, Laws of Florida. The law provides for removal of the disability of nonage so that foster children can secure motor vehicle insurance. The foster child must have: reached 16 years of age; have been adjudicated dependent; be residing in an out-of-home placement as defined in § 39.01; and have completed a driver education program. Orders removing the disability of nonage must be entered at the judicial review hearing held within 90 days after a child's 17th birthday for any of the listed disabilities of nonage that the court finds is in the child's best interest to remove.

The most comprehensive law affecting Chapter 39 this session was SB 1666, which was enacted as Chapter 2014-224, Laws of Florida. Among the changes are several new statutes; changes to the Department of Children and Families and the community-based care system; an emphasis on sibling contact; amendments to termination of parental rights grounds; and changes to the law regarding medically complex children.

The law creates new sections of statute regarding critical incident rapid response teams and public disclosure of child deaths reported to the child abuse hotline. The law also amends current statutes regarding protective investigations and safety plans, child protection team evaluation of reports of medical neglect of medically complex children; and child-on-child sexual abuse.

New section 39.3068 is created regarding reports of medical neglect and also requires a family-centered approach and respect for the diversity of families. Section 39.402 is amended to require the order for placement of a child in shelter care to contain written findings that the department has made reasonable efforts to keep siblings together if they are removed and placed in out-of-home care unless such a placement is not in the best interest of each child. It is preferred that siblings be kept together in a foster home, if available. Other reasonable efforts must include short-term placement in a group home with the ability to accommodate sibling groups if such a placement is available.

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2014 Dependency Legislation, Continued

The department must report to the court its efforts to place siblings together unless the court finds that such placement is not in the best interest of a child or the sibling. In addition, if siblings who are removed from the home cannot be placed together, the department must provide to the court a recommendation for frequent visitation or other ongoing interaction between the siblings unless this interaction would be contrary to a sibling's safety or well-being. If visitation among siblings is ordered but will not commence within 72 hours after the shelter hearing, the department must provide justification to the court for the delay. Furthermore, at the judicial review hearing, the frequency and duration of sibling contact must be determined as well as any efforts undertaken to reunite separated siblings, if doing so is in their best interests.

The law expands the relative caregiver program to include nonrelatives who are willing to assume custody and care of a dependent child in the role of substitute parent, although the court must find that the proposed placement is in the best interest of the child. The termination of parental rights ground in 39.806(1)(e) is amended to permit termination when a child has been in care for any 12 of the last 22 months and the parents have not substantially complied with the case plan. The grounds in 39.806(1)(f) & (1)(h) are each amended so that proof of a nexus of conduct is not required. The law also creates a new ground for termination if a parent is convicted of an offense that requires the parent to register as a sexual predator under § 775.21, Florida Statutes.

The Florida Legislature also passed a law allowing for the appointment of attorneys for dependent children with certain special needs. HB 561 was enacted as Chapter 2014-227, Laws of Florida and creates new section 39.01305, Florida Statutes. The law provides that for the new section on attorney appointment, "dependent child" means a child who is subject to any proceedings under the chapter and does **not** require that a child be adjudicated dependent.



Governor Rick Scott poses with members of Florida Youth SHINE and Gloria Fletcher, Esq., Vice President, Florida's Children First, during an event celebrating the signing of HB 561.

The law requires the appointment of an attorney for dependent children who: reside in a skilled nursing facility or are being considered for placement in a skilled nursing home; are prescribed psychotropic medication but decline to assent; are diagnosed with a developmental disability under 393.063; are being placed or considered for placement in a residential treatment center; or are victims of human trafficking under 787.06(2)(d). The law sets forth a procedure to be followed for appointment of the attorneys. The law also provides that with the permission of the court, the attorney for the dependent child may arrange for supplemental or separate counsel to represent the child in appellate proceedings. Attorneys are to have access to funding for expert witnesses, depositions, and other costs of litigation. The law provides that implementation is subject to appropriations expressly made for that purpose.

To read the full text of the new legislation click on the following links: Chapter 2014-166, Laws of Florida (<http://laws.flrules.org/2014/166>); Chapter 2014-224, Laws of Florida (<http://laws.flrules.org/2014/224>); and Chapter 2014-227, Laws of Florida (<http://laws.flrules.org/2014/227>).

For additional information, contact Avron Bernstein at bernsteina@flcourts.org.

One Lawyer, One Life

One Lawyer, One Life is an initiative of the Public Interest Law Section of the Florida Bar, Florida's Children First, and Florida Legal Services. It was created in response to the critical need to ensure that children on the cusp of adulthood have a confidential relationship with a lawyer who can give them good advice and counsel as they make important decisions about their future. One Lawyer, One Life is a statewide pro bono program administered at the local level. Volunteers sign up on FLORIDA for Children and Families (www.f4cf.org), but they are matched with clients by a legal aid or pro bono project in their circuit.

The designated program and the managing CLS attorney will work together on the identification of unrepresented 17 and soon to be 17 year olds and then obtain orders of appointment. All of the core training for the project is available on FloridaProBono.org, so lawyers can get up to speed on the fundamentals when it's convenient for them. Local programs are encouraged to host live trainings as well. Additional training and mentoring are available via F4CF.org.

For additional information, contact Robin Rosenberg, Florida's Children First at robin.rosenberg@floridaschildrenfirst.org

F.L.O.R.I.D.A for Children and Families

Every day lawyers working in firms can sit down at their desks and access copies of motions, orders, pleadings, and memos to use as a starting point for their work. They have access to research and opportunities to engage experienced colleagues who could help out. Those resources help new lawyers get up to speed quickly and do good work for their clients. Barbara Elias-Percifal had that same experience – until she was asked to take her first pro bono case representing a child in dependency proceedings. Her law firm colleagues hadn't represented children, there was no database of documents, and there was no way to get connected to mentors. So Ms. Elias-Percifal created her own virtual firm to provide those resources to lawyers and judges working with children. She created Texas Lawyers for Children, the online center on which FLORIDA for Children and Families (F4CF) is based.

Texas Lawyers for Children is a nationally recognized best practice that has been exported to several states. In Florida, F4CF is managed by Florida's Children First. Florida's Children First are committed to ensuring that all lawyers who represent children have access to training and mentors in order to provide meaningful and effective representation to clients. The convergence of the statewide pro bono project and the right to counsel for certain children will provide committed counsel for access to training and necessary resources to successfully navigate the legal system and obtain services that will allow children and young adults to reach their full potential. F4CF offers several tools and resources to users:

- **Topical Resources:** Articles, papers, cases, and practice tips: items are searchable by key word and topic.
- **Conferences & CLEs:** Comprehensive listing of online CLEs and upcoming conferences of interest.
- **Mentors & Pro Bono Volunteers:** Experienced lawyers can volunteer to mentor or answer questions, and any lawyer can volunteer to take a pro bono case. The pro bono/mentor list is searchable by any judge or lawyer registered as a user.

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F.L.O.R.I.D.A for Children and Families, Continued

- **Experts:** Ability to share information on experts used in cases.
- **Document Vault:** Place for users to upload documents that are of interest to others. For example, dozens of unpublished administrative hearing final orders on Independent Living appeals have been uploaded and are searchable.

F4CF also offers a platform to communicate with colleagues. There are discussion boards where you can post a question and view the responses as well as email networks where you can seek information and advice directly from colleagues. F4CF is a secure site —only licensed attorneys and judges can register as users. The judges discussion board, document vault, and email network are accessible only to judges. The attorney counterparts are likewise limited. Having a secure, safe place for colleagues to ask questions and share answers is intended to facilitate information sharing and discussion to help all do a better job for children being served by the state.

Registration is free and only takes a few minutes. Please sign up and view the information at www.f4cf.org. For additional information regarding F4CF, contact Robin Rosenberg, Florida’s Children First at robin.rosenberg@floridaschildrenfirst.org.

Unique Girls Court to Launch in Duval County

In September, the Fourth Judicial Circuit in Duval County will launch Girls Court, a specialized form of juvenile court that will link at-risk girls to community resources, social service agencies, and mentors, while offering each girl a holistic team approach in order to reduce recidivism, detention, and commitments among girls. Girls Court will provide girls and young women a team of professionals to help develop trust and empowerment, with a focus on providing individualized services to prevent further involvement in the justice system. Girls Court will give girls a voice in the courtroom and help them feel more connected and ultimately have a higher chance of success in completion of probation.

The pilot program has been developed to give girls improved access to therapy, enrichment programs, and mentors, while identifying and addressing risk factors to better understand what is driving the behaviors that led to the justice system. The voluntary Girls Court also aims to prevent teen girls from entering into the dependency system as parents. Among the unique aspects of Girls Court is its open forum concept that, in essence, makes the courtroom a therapeutic setting. Girls will sit-in on hearings of other participants to hear praise for successes as well as consequences for infractions, giving them insight into progress achieved and set-backs experienced, and enabling the girls to learn from each other.

Girls Court participants and their families will be offered mental health services, including group therapy specializing in girl-sensitive approaches. Participants will also attend group activities, such as college tours and programs on career and leadership development and financial literacy. The development of Girls Court is a collaborative effort between Judge David M. Gooding, the Delores Barr Weaver Policy Center, Family Support Services of North Florida, the Department of Juvenile Justice, the State Attorney’s Office, and the Public Defender’s Office.

For additional information, contact Lisa Collins, Family Support Services of North Florida at lisa.collins@fssnf.org.

24 Children find forever homes in time for Mother's Day

More than a dozen Duval County mothers adopted children in need of loving families. Judge David M. Gooding finalized the adoption of 24 children by 17 families in time for the children to spend their first Mother's Day with their new families. The children range in age from seven months to 17 years old. Althea Gale is a new mother to Antonio. "This is the best Mother's Day I could have ever asked for," said Gale.

Gale says she picked Antonio up from Shands hospital when he was just three months old. "He couldn't

even lift his head up because he was so malnourished," said Gale. "And, I knew from that day that he was my son." Antonio's birth parents lost custody because he was unhealthy and weighed just nine pounds at three months old. However, Althea nourished him back to life.

"Everybody loves him...that smile when he wakes up in the morning and you hear him say, Ma!" said Althea. "That really makes my day." Antonio's new brother, Willard, calls him 'Tony.' "He's more than a little brother to me and I kind of feel like I

am a father-figure to him," said Willard. Antonio's new family is one of 17 families who are celebrating this Mother's Day.

Angela Wade adopted two young boys at the Duval County adoption day. "These children have been through so much in their young lives and all I have to give them is love," said Wade. Wade adopted her grandchildren, Corey, 4, and Trayvon, 2. She says the two boys were physically abused and often left hungry. Wade hopes the children can put that behind them and move forward in happiness. "It's just like giving birth, really," said Wade. "Because, I've already had the pain of seeing them apart and abused."

The Family Support Services of North Florida, Inc. is now hoping more Duval County families choose to adopt the 68 children who are currently in need of homes. For additional information, view the following link: <http://www.fssjax.org/>.

Photos complimentary of John Gooding (johntgooding@gmail.com). Original article by Laura Caso, published May 10, 2014 by "First Coast News" at <http://www.firstcoastnews.com/story/news/local/2014/05/09/children-fadopted-mothers-day/8914115/>.



6th Circuit Judge Receives the 2014 Justice Award

Each year during Law Week, members of the West Pasco Bar Association submit their nominations for the justice award. This award is given to someone from the community who has made a significant contribution to the justice system. To be just, means to be guided by truth, reason, justice, and fairness. These are qualities exemplified by this year's winner —Judge Lynn Tepper.

For years, Judge Tepper has been a strong advocate of collaboration and has been involved with collaborative work on the statewide and local level in the areas of dependency, delinquency, and family law. With the help of many agencies and offices, her division has attempted to resolve all of the cases of a family with one judge. She is passionate about this objective.

Fortunately for her, the National Council of Juvenile and Family Court Judges (NCJFCJ) began work on an initiative known as Project ONE. Project ONE seeks to provide judges with guidance for supporting the needs of families and children no matter which jurisdictional “door” of the courthouse they enter whether it be dependency, family law, domestic violence, delinquency, or other. In 2012, Judge Tepper, as the lead judge for the Sixth Judicial Circuit in Dade City, was selected by the NCJFCJ as one of only six sites across the nation to implement the Project ONE initiatives.



(Left to right): Nikki Alvarez-Sowles, President of WPBA, Ernie Cole, Esq., Judge Lynn Tepper, Circuit Judge, and Amanda Colon, Esq.

Building on this idea of collaboration, Judge Tepper has now expanded the idea of “one-stop shopping” in the courthouse to “one-stop shopping” in the schoolhouse. Earlier this year, Judge Tepper headed up a group that hopes to create a community school in east Pasco County. Community schools go beyond the traditional educational offerings by providing support to families in such areas as finances, mental health counseling, medical services, and adult education.

Last year, Judge Tepper also added a furrier element to her passion for fairness and justice. Therapy dogs were introduced in her courtroom in order to help families deal with the stresses of appearing in court. All judges strive for justice, equality, and fairness in their courtrooms. But in this year where Law Week celebrates American democracy, the actions of Judge Tepper exemplify the idea in our constitution of “government of the people, by the people” and more importantly, “for the people.”

Congratulations— Judge Tepper!

Trauma-Informed Care in Systems Serving Children and Youth

East Pasco County’s model court judge knows how important being trauma-informed is when relating to the families that appear before her in the courtroom. An enthusiastic proponent of trauma education, Judge Lynn Tepper hoped the 3-hour training, led by Victoria Hummer, LCSW, in June would illustrate just how important it is for everyone who comes into contact with these families to understand trauma and how it affects each

person in the system. Well-versed in trauma and the dependency process, Ms. Hummer, the Director of Training and Outreach at the Crisis Center of Tampa Bay, presented the informative trauma-informed care (TIC) training entitled “Applying Trauma-Informed Care in Systems serving Children and Youth” on June 26.

The audience, a diverse collection of representatives with different roles, included Judge Tepper, parents’ attorneys, CLS attorneys, dependency case managers, protective investigators, foster parents, GALs, therapists, educators, and DJJ staff. Each person left with a better understanding of the effects trauma has on the children and the families served and how to alleviate that trauma. “Fantastic TIC training to spread the word that humans are sometimes wounded, but not broken—” Roxanne Mayorca, MS, LMHC, CAP Infant Child and Family Therapist.

“The trauma-informed care training by Vicki Hummer heightened awareness that how we treat families and see them can either re-traumatize them or change their stars. With a



Vicki Hummer, LCSW

trauma lens, we can guide families to trauma-informed assessors and therapists who can help them heal, gain control of the impact of past trauma, and have healthy, happy lives,” remarked Judge Tepper.

The training was filmed by the Sixth Judicial Circuit Court and will soon be available for viewing at: www.centerforchildwelfare.org. For more information on trauma, go to: National Child Traumatic Stress Network at www.nctsnet.org or NCJFCJ: <http://www.ncjfcj.org/our-work/trauma-informed-system-care>.

For more information about this training, contact Leigh Merritt at merrittl@flcourts.org.

5th Judicial Circuit conducts ICWA Training

Model Court Judge Michelle Morley welcomed DCF's Indian Child Welfare Act Specialist, Stacey Cleveland, MSW, and local Native American Chief Red Eagle to the Fifth Judicial Circuit's monthly Family Law Advisory Group (FLAG) meeting on June 25 to present on the topic of the Indian Child Welfare Act (ICWA). ICWA was enacted in 1978 because of high removal rates of Indian children from their traditional homes and, essentially, from Indian culture as a whole. ICWA gives tribal governments a strong voice concerning child custody proceedings that involve Indian children by allocating tribes exclusive jurisdiction over the case when the child resides on or is domiciled on the reservation; or when the child is a dependent of the tribe.



Stacey Cleveland, ICWA Specialist

Local stakeholders, including attorneys, dependency case managers, GALs, and community partners listened as the presenters took them on a journey of the ICWA, including its history and importance, the eligibility requirements, and information on local tribes. Specific information was provided on the Seminole Tribe of Florida and its integration into the community.

Judge Morley stated that, "As we recognize the 50th anniversary of the signing of the Civil Rights Act, we recall the injustices it sought to make right. This presentation nearly coincided with that anniversary, and it, too, compelled us to recall the injustices that were perpetrated on another ethnic minority. How timely! After the training, stakeholders now have a re-

newed sensitivity to the purpose of the ICWA, the importance of preserving a culture that was almost extinguished, and the need to maintain information about resources available to specifically support Native American families. Many thanks to the Fifth Judicial Circuit FLAG members for their attendance and to the presenters for their time and expertise."

Plans are currently being made for another ICWA training in the Fifth Judicial Circuit in September. This training will be hosted in Marion County by Judge Sue Robbins. For more information on the ICWA, the National Council of Juvenile and Family Court Judges offers the following resource: <http://www.ncjfcj.org/resource-library/publications/tribal-work-and-icwa>. If you would like to set up an ICWA training in your area, you may contact Stacey Cleveland at Stacey_Cleveland@dcf.state.fl.us.



Chief Red Eagle

Events on the Horizon

SEPTEMBER

September 2, 2014, Orlando, FL
 Statewide Model Courts All-Sites Meeting
 Marriott Orlando World Center Hotel

September 3–5, 2014, Orlando, FL
 Child Protection Summit
 Marriott Orlando World Center Hotel



OCTOBER

October 16 –18, 2014, Tampa, FL
 Florida Association of Family & Conciliation Courts (FLAFCC) Annual Conference

Child Protection Summit 2014

The 14th annual Child Protection Summit will take place September 3-5 at the Marriot Orlando World Center Hotel. The 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. National and statewide experts in child welfare will conduct workshop sessions that will contribute to the professional development of all participants. Please click the link for general [summit](#) information.

A Model Courts All-Sites Meeting will be held in conjunction with the summit. The meeting is scheduled for Tuesday, September 2nd from 11:30 a.m. to 5:30 p.m. and will include model court judges, magistrates, and court staff. In lieu of having a second day of the all-sites meeting this year, attendees are encouraged to attend the pre-conference institute, which was recently added to the child protection summit agenda: “Walking the Walk: Creative Tools for Transforming Compassion Fatigue & Vicarious Trauma.” This interactive session is scheduled for Wednesday, September 3rd from 9:00 a.m. to 12:00 p.m. and will be taught by Francoise Mathieu, a national expert on the issue.

For additional information related to the Model Courts All-Sites Meeting please contact Ann Luchini at luchinia@flcourts.org.

Model Court Liaisons

The Office of Court Improvement designates a model court liaison to each model court circuit. The model court liaisons work closely with individual model court judges and magistrates to develop, prioritize, and achieve court improvement goals. The following is a list of the model court liaisons and the circuits to which they are assigned.

Avron Bernstein	Circuit: 11	850-414-8661	bernsteina@flcourts.org
John Couch	Circuits: 13 and 15	850-410-1527	couchj@flcourts.org
Dana Dowling	Circuit: 7	850-414-8389	dowlingd@flcourts.org
Jovasha Lang	Circuits: 1, 16, 17, and 20	850-617-4003	langj@flcourts.org
Leigh Merritt	Circuits: 5, 6, 10, 12, and 14	850-414-8868	merrittl@flcourts.org
Dacia Roberts	Circuits: 3 and 8	850-922-9337	robertsd@flcourts.org
Kathleen Tailer	Circuits: 2, 4, and 19	850-617-4007	tailerk@flcourts.org
Tamarrah Tarver-Small	Circuits: 9 and 18	850-921-6095	tarvert@flcourts.org

Florida's Dependency Court Improvement Team

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 effective 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.