

Multidisciplinary Legal Representation of Parents in Dependency Proceedings: Fiscal Year 2022-23

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OPPAGA

Office of Program Policy Analysis and Government Accountability

Multidisciplinary Legal Representation of Parents in Dependency Proceedings: Fiscal Year 2022-23

EXECUTIVE SUMMARY

The 2021 Legislature amended statute to encourage and facilitate the use of multidisciplinary legal representation (MLR) teams by the five Offices of Criminal Conflict and Civil Regional Counsel (RCs). Attorneys in regional counsel offices represent indigent defendants in two primary types of cases: criminal cases in which the public defender has a conflict, and some types of civil cases, including dependency. This report focuses on representation of parents in dependency cases.

By Fiscal Year 2022-23, all five RCs were providing MLR in some dependency cases, and the number of cases served by the MLR programs had increased in those providing data for both fiscal years. However, the percentage of all dependency cases to which MLR services are assigned remains low, in part due to the delay in the dispersal of federal Title IV-E funds by the Department of Children and Families.

To determine how the RCs are continuing to implement the MLR approach in dependency cases and how the offices view its success, OPPAGA visited all five RCs and conducted interviews with social services and attorney staff. OPPAGA also requested case level data from each RC on the cases served with MLR in Fiscal Year 2022-23 to determine how the characteristics of these cases generally compare to the cases of children whose parents were not served by MLR as well as the reasons the families entered the dependency system.

OPPAGA found that children of parents served by MLR programs tend to be younger, but are similar in terms of race and sex to children of parents not served by MLR. The two groups are also similar in terms of prior history with the child welfare system, with the MLR group having slightly more cases involving children with prior in-home care cases. Finally, children of parents served by MLR have higher percentages of several alleged maltreatments, such as those involving domestic violence.

REPORT SCOPE

Section 39.4092, *Florida Statutes*, directs OPPAGA to conduct an annual study of multidisciplinary legal representation provided by Offices of Criminal Conflict and Civil Regional Counsel. The reports will include an annual update on the implementation of the approach as well as an analysis comparing outcomes for MLR programs to known outcomes for children whose parents are not served by an MLR program. This is the second report in the series of four reports.

The time at which MLR services are added to a case varies, with a majority receiving services within three months of removal. Social services staff are covered by attorney/client privilege and provide a broad array of services. Some of these include helping the client understand the process, helping the client access services required by the case plan, facilitating communication, and attending meetings and hearings with the client. Regional counsel staff described multiple benefits of the MLR approach, including more cases closing through parental reunification or through permanent guardianship with a relative, shortened time to reunification, and clients being granted unsupervised visitation.

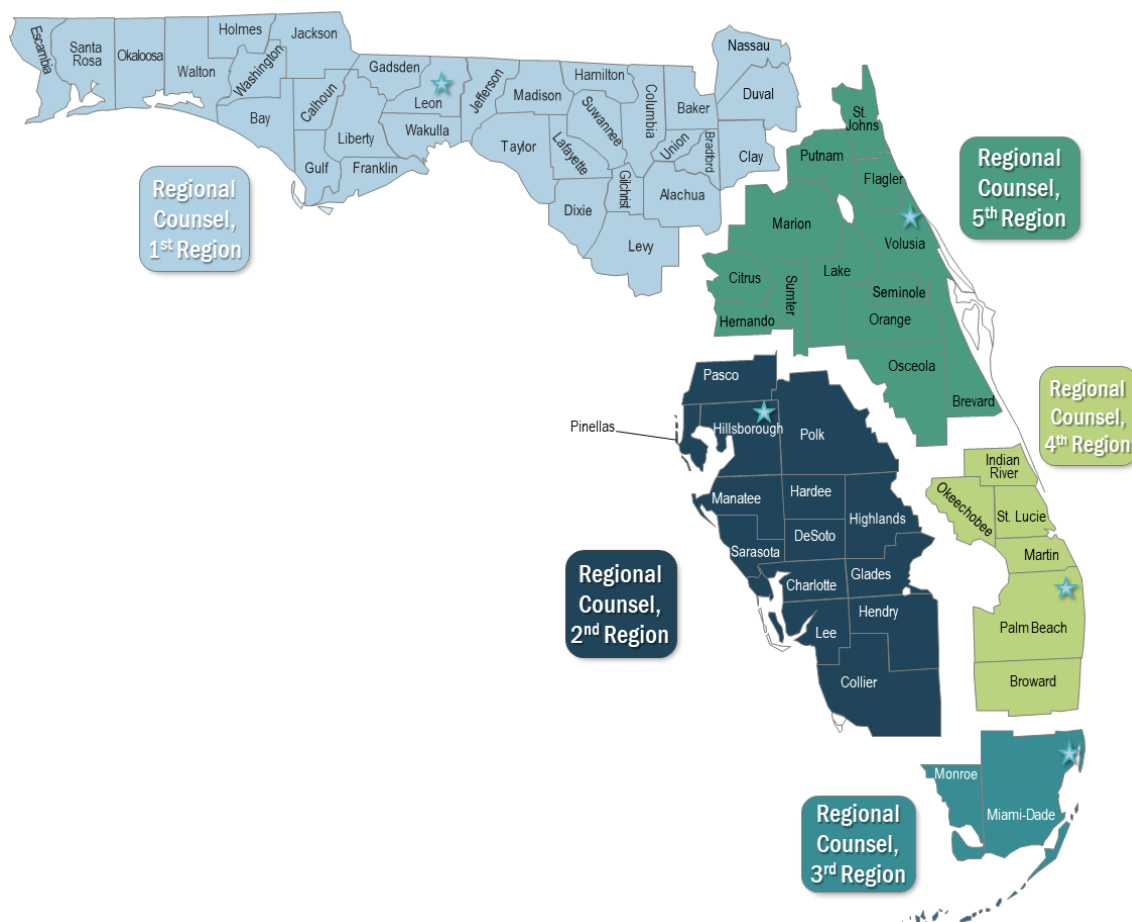
Future OPPAGA reports will include an analysis of length of time to permanency as well as frequency of each type of permanency achieved in closed cases. OPPAGA will compare these outcomes to outcomes for children whose parents were not served by an MLR program.

BACKGROUND

The Legislature established five Offices of Criminal Conflict and Civil Regional Counsel in 2007 to represent indigent clients in certain criminal and civil cases. There are five Offices of Criminal Conflict and Civil Regional Counsel (RCs).¹ (See Exhibit 1.) A regional counsel who is appointed to a four-year term leads each office.

Exhibit 1

Florida's Offices of Criminal Conflict and Civil Regional Counsel Serve Five Regions in the State



Source: OPPAGA analysis.

The RCs represent indigent defendants in two primary types of cases: criminal cases in which the public defender has a conflict, and some types of civil cases, including dependency.^{2,3} Dependency cases are civil cases based on allegations of abuse, abandonment, or neglect of a child. Child protective investigators from the Department of Children and Families (DCF) investigate these allegations to assess the caregiver's protective capacity to determine whether the child can safely remain in their home. If the investigator determines that the child is not safe, they must determine whether the child's safety could be managed through an in-home safety plan or if they need to be removed from the home

¹ The boundaries of the five offices matched the boundaries of the District Courts of Appeal until the Legislature established a Sixth District Court of Appeal in 2022.

² Section 27.5303(1)(a), F.S., specifies that at any time during the representation of two or more defendants, a public defender can determine that the interests of the accused are so adverse or hostile that one or both cannot be counseled by the public defender without conflict of interest and file a motion to withdraw and move the court to appoint other counsel.

³ The regional counsels also handle appeals and post-conviction motions and certain statutorily authorized civil commitment proceedings.

and placed with a relative, close family friend, or licensed out-of-home caregiver (i.e., foster care). In cases where the child is removed from the home, a court hearing, called a shelter hearing, is held within 24 hours to determine whether the child should return home or temporarily remain in the custody of DCF. (See Exhibit 2.) Parents have a right to counsel in Florida and attorneys at the state's five RCs are assigned to represent a parent if they are indigent at the time of their child's removal.

Exhibit 2

There Are Several Steps in the Child Welfare Dependency Process



Source: OPPAGA analysis of Florida statutes and documents from the Department of Children and Families.

Once the child is in DCF custody, the parent is given a court-ordered case plan, the conditions of which must be met for the child to be reunified with the parent and returned to the home. The parent's case manager coordinates services for the family and reports to the court on case-plan progress.⁴ These conditions include specific steps the parents need to complete to address the behavior that created the

⁴ DCF contracts for the delivery of child welfare services through community-based care (CBC). CBC lead agencies located throughout the state deliver foster care and related services, including family preservation, prevention and diversion, dependency casework, out-of-home care, emergency shelter, independent living services, and adoption. Many CBCs contract with subcontractors for case management and direct care services to children and their families.

risk for the child. Parents receive services such as parenting classes, substance abuse evaluation, drug treatment, mental health services, and any other services necessary to achieve reunification. If the parent refuses to work on the case plan or does not successfully complete the plan, the parent's rights can be permanently severed through a termination of parental rights and the child can be placed for adoption.

Following a national trend, the RCs have implemented a multidisciplinary approach in dependency cases. There has been a long-standing national model of integrating social workers into legal representation for low-income clients, in both the criminal and civil contexts. Social workers in this model provide various services, such as helping clients access services ordered in case plans, acting as a liaison for clients with case managers, and collaborating with attorneys on strategy in cases. This model also often includes the use of parent peer advocates, who are people who have previously had their child removed from their care, but who have successfully reunified with the child for more than two years and have received specialized training. Parent peers provide such services as helping the client understand the process and providing emotional support and encouragement from the viewpoint of someone who has experienced the trauma of having a child removed. Offices providing representation for parents in dependency cases in several other states began using a multidisciplinary approach many years ago (e.g., the state of Washington in 2000 and New York City in 2007).

Prior research on the impact of multidisciplinary parental representation suggests that multidisciplinary legal representation (MLR) services increase parents' participation in services to facilitate reunification with their children and may shorten the time children spend in foster care, which reduces related costs. The most comprehensive study to date of the effect of MLR programs on dependency case outcomes was an evaluation of the New York City Mayor's Office of Criminal Justice shift from independent panel attorneys to contracted entities for parent representation in child welfare cases.⁵ Prior to 2007, indigent parents in New York City who were charged with abusing or neglecting their children were represented by private attorneys from an assigned panel or a court approved list of available specialized lawyers. Starting in 2007, the mayor's office contracted with three non-profit organizations to provide MLR services to indigent parents in child dependency cases. Unlike panel attorneys, who acted largely as solo practitioners, the non-profit organization contracts allowed salaried attorneys to work in teams with non-legal professionals, such as social workers, to create interdisciplinary case practice approaches to cases.

Researchers examined 9,582 child welfare cases filed between 2007 and 2014, involving 18,288 children in New York City. Their results indicated that compared to parents who were represented by a panel attorney, children of parents represented by a non-profit MLR organization who entered foster care spent fewer days in foster care in the four years following the original abuse or neglect case filings. While 59% of the children in these abuse and neglect cases did not enter out-of-home care, of the children who did enter foster care, children whose parents received MLR services spent 118 fewer days in foster care, 659 days versus 777 days.

Additionally, many national child welfare and legal experts believe that effective representation for parents in child welfare cases helps families and saves government resources. In 2006, the American Bar Association (ABA) issued standards of practice for attorneys representing parents in dependency. As part of the standards, the ABA encourages parents' attorneys to engage in case planning and to advocate for appropriate social services using a multidisciplinary approach. The standards further

⁵ Lucas A. Gerber et. al. "Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare." *Children and Youth Services Review*. July 2019: 42-55.

state that the parent’s attorney should engage or involve a social worker as part of the parent’s legal team whenever possible. In addition to ongoing technical support to MLR programs, since 2019 the ABA’s Center on Children and the Law has been sponsoring an annual conference specifically for those using an MLR approach.

Consistent with this national model, in 2013, RC4 created a social services unit (SSU) to work with its attorneys on certain dependency cases. Using available funds, RC 4 started the SSU by initially hiring one social worker with a master’s degree in social work and one family advocate with a master’s degree in marriage and family therapy. The regional counsel’s office developed formal policies and procedures for its program and began assigning the SSU to a selection of dependency cases.

In 2021, the Florida Legislature passed a bill to encourage the use of multidisciplinary representation in dependency cases. Recognizing the success of a multidisciplinary approach, the Legislature created a new section of statute to declare that the use of this model is effective in reducing safety risks to children and providing families with better outcomes, such as significantly reducing the time children spend in out-of-home care and achieving permanency more quickly.⁶ The Legislature also found that parents in dependency court often suffer from multiple challenges, such as mental illness, substance use disorder, domestic violence or other trauma, unstable housing, or unemployment. Further, the statute encourages and facilitates the use of multidisciplinary teams by the RCs to provide families with the best opportunity to be successful in creating safe and stable homes for their children. The Legislature also recognized the core functions of social work as being key to addressing the underlying challenges that affect family stability.

In addition, the Legislature also acknowledged the availability of Title IV-E funding to reimburse a portion of the cost of parent representation.⁷ Under Title IV-E of the Social Security Act state child welfare agencies are entitled to claim partial federal reimbursement for the cost of providing foster care and adoption assistance to children who meet federal eligibility criteria. In 2019, the federal government began allowing the agencies to claim matching funds through Title IV-E to help pay for the costs of attorneys representing parents and children in dependency proceedings. Before this change, the funds were available to help pay for attorneys representing child welfare agencies as part of federal funding provided for foster care to DCF.

All five RCs have hired staff and begun implementing the use of social services staff in some dependency cases, partly in anticipation of federal funding becoming available to support the programs. However, to date, DCF has not disbursed Title IV-E funds to any of the RCs, limiting the offices’ ability to fully implement and expand the multidisciplinary approach.

The 2021 legislation also directed OPPAGA to annually compile case data provided in reports by the regional counsels and conduct an analysis comparing the reported outcomes of MLR programs to known outcomes of children whose parents were not served by an MLR program; the analysis is due to the Legislature each year from December 1, 2022, until December 1, 2025. In the 2022 report, OPPAGA provided implementation history and status for all five RCs as well as information on the characteristics of children of parents served and not served by MLR programs in RC 1 and RC 3.⁸

In this report (the second in the series of four reports) OPPAGA provides an update on implementation status and information from visits to all five RCs on the benefits the offices report from using a

⁶ Section [39.4092](#), F.S.

⁷ State child welfare agencies may claim 50% of these costs.

⁸ *Review of Multidisciplinary Legal Representation of Parents in Dependency Proceedings*, OPPAGA Report [22-07](#), December 2022.

multidisciplinary approach to parent representation. Additionally, this report provides an update on the characteristics of children of parents served and not served by MLR programs in Fiscal Year 2022-23 for RCs 1, 2, 3, and 5. Finally, this report provides a preview of the outcome measures requested by the Legislature that OPPAGA plans to analyze in the third and fourth reports in the series as additional data becomes available.

FINDINGS

Implementation Update

Regional counsels are currently using a multidisciplinary approach in some dependency cases and have hired professional staff with social work or related training or lived experience

All five regional counsels are using multidisciplinary legal representation teams. Currently, all five RCs are assigning MLR teams to a selection of dependency cases.^{9,10} Regional counsels have hired multiple staff with various college degrees and prior work experience to collaborate with attorneys in the representation of parents in dependency cases. The RCs have hired three main types of staff: forensic social workers, forensic family advocates, and parent peer advocates. Forensic social workers have a master’s degree in social work (MSW) while forensic family advocates have a master’s degree in a related field, such as family therapy. The regional counsels also have hired staff with bachelor’s degrees in social work (BSW) to serve as assistant forensic social workers. (See Exhibit 3.)

Exhibit 3

Regional Counsels Employ Professional Social Services Staff to Partner With Attorneys

Regional Counsel	Multidisciplinary Staff
1	<u>4</u> 1 forensic social worker 3 forensic family advocates
2	<u>1</u> 1 assistant forensic social worker
3	<u>5</u> 2 forensic social workers 1 forensic social worker supervisor 2 parent peer advocates
4	<u>9</u> 5 forensic social workers 1 assistant forensic social worker 1 forensic family advocate 1 parent peer advocate 1 social services director ¹
5	<u>6</u> 4 forensic social workers 1 forensic family advocate 1 social services director ¹

¹ The social services director position is shared between RC4 and RC5.

Source: OPPAGA analysis of information from the Offices of Criminal Conflict and Civil Regional Counsel.

⁹ RC 4 began hiring social services staff in 2013, with RC 5 and RC 1 hiring social services staff in 2020. RC 3 hired social services staff in 2021, followed by RC 2 in 2022.

¹⁰ RC 1 provides MLR services in the 2nd circuit only. RC 2 provides services in the 13th circuit only. RC3 provides services in the 11th circuit only. RC4 and RC5 provide MLR services in all of their circuits.

All of the RCs stressed the importance of professional, credentialed staff. Many staff employed by the RCs have pursued advanced degrees such as a MSW. In addition, one of the parent peer advocates has received national accreditation for peer support. Two of the RCs also employ social work interns from nearby colleges. Requiring social work staff to be credentialed with a BSW or MSW allows the offices to supervise student interns from these programs. In turn, the addition of the social work interns permits the offices to expand the capacity to assist more clients and their attorneys. For example, RC 5 has two to four interns each semester. Furthermore, interns are typically unpaid and thus create no additional cost to the state.

The number of MLR cases has increased in all three of the RCs reporting case data in both Fiscal Year 2021-22 and Fiscal Year 2022-23

OPPAGA continues to request and collect data from the RCs. The 2021 legislation required each regional counsel to submit an annual report to OPPAGA by October 1, 2022, and annually thereafter through October 1, 2025. The reports are to use uniform data on each child of parents served by the MLR program for the following measures.

- Reasons the family became involved in the dependency system
- Length of time it takes to achieve a permanency goal for children whose parents are served by the program
- Frequency of each type of permanency goal achieved by children whose parents are served by the program
- Rate of subsequent abuse or neglect that results in the removal of children whose parents are served by the program
- Any other relevant factors that tend to show the impact of the use of such MLR model programs on the outcomes for children in the dependency system

The statute requires OPPAGA to collect and compile this data and compare the outcomes of the children in the dependency system whose parents are served by the MLR programs to those who are not served by such programs. However, in discussions with all five RCs in late 2021 and early 2022 to determine the offices' abilities to provide the necessary data, OPPAGA discovered that it would be unable to obtain all needed information on child welfare history to complete the required analysis by solely relying on information the RCs could provide. To meet its statutory requirement and streamline reporting, OPPAGA developed a process to obtain the data in a consistent format from the RCs. OPPAGA reported this data in the 2022 report.

In May 2023, OPPAGA requested that all five RCs provide Fiscal Year 2022-23 information on the number of cases served by MLR as well as information about the children from these cases. Regional counsels 1, 2, 3, and 5 responded to this request with case level and child level data.

The number of MLR cases is increasing. RCs 1, 2, 3, and 5 reported 381 dependency cases served by MLR teams in Fiscal Year 2022-23.¹¹ RCs 1, 2, and 3 had also reported the number of cases served in Fiscal Year 2021-22, and all three offices experienced an increase in the number of cases served by MLR. (See Exhibit 4.)

¹¹ There were 824 children in these 381 cases.

Exhibit 4

The Number of Cases With MLR Services Has Increased

Regional Counsel	Fiscal Year 2021-22	Fiscal Year 2022-23
1	74	90
2	0	12
3	159	172
4	Did Not Report	Did Not Report
5	Did Not Report	107

Source: Offices of Regional Counsel, 1, 2, 3, and 5.

While RC 4 has not reported case-level data to OPPAGA, the office provided aggregate information related to case outcomes, timing of assignments, and other topics for the 129 cases that it closed in five of the six counties the regional counsel served in Fiscal Year 2022-23.^{12,13}

A small percentage of all dependency cases are being served with multidisciplinary legal representation. Although all five RCs now use a multidisciplinary approach with some dependency cases, the overall percentage, based on data from RCs 1, 2, 3, and 5, is low, ranging from below 1% to 22%. The percentage of cases with a multidisciplinary team assigned is unlikely to increase without additional resources, either state or federal. However, to date, the RCs have not received any Title IV-E funds from the Department of Children and Families for reimbursement. All of the RCs have interagency agreements with DCF; these agreements allow the offices to receive this funding. In addition, the RCs have submitted invoices to the department for the services provided. OPPAGA staff interviewed DCF staff regarding the status of the distribution of funds to pay these invoices. DCF staff reported that the department submitted an amendment to the state’s Public Assistance Cost Allocation Plan regarding independent legal representation on September 30, 2021. On October 17, 2023, the department received federal approval of the Public Assistance Cost Allocation Plan. As of the publication of this report, it is unclear exactly when funds will be disbursed to the RCs.

Children with parents served by the multidisciplinary legal representation programs are similar in many respects to children of parents not served by such programs

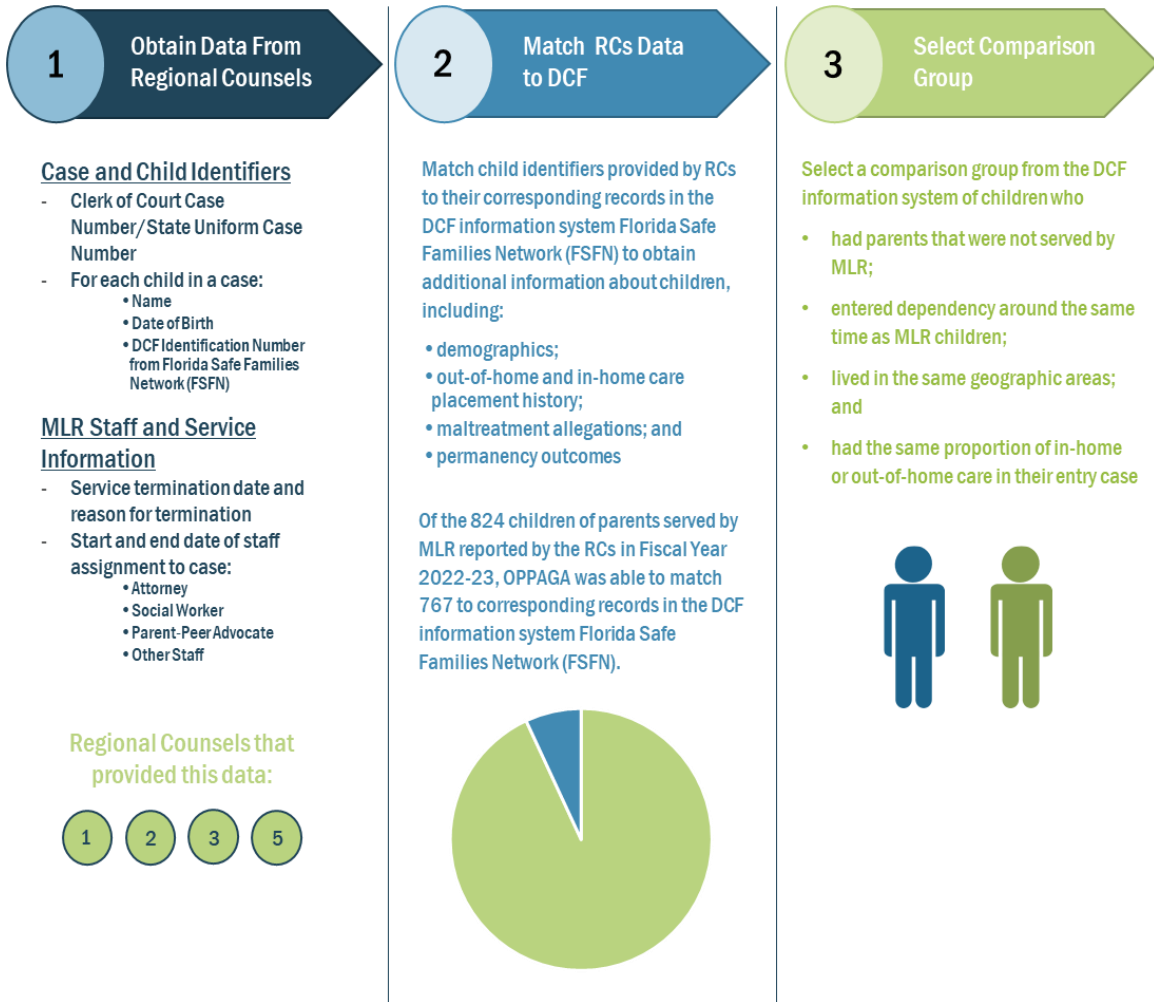
To determine how children whose parents were served by MLR teams compare to children in the child welfare system whose parents were not served by MLR teams as required by statute, OPPAGA reviewed child characteristics using the steps outlined below. (See Exhibit 5.) OPPAGA reviewed demographic characteristics, child welfare history, and maltreatment types.

¹² RC 4 provided data on closed cases in Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie counties, representing the 15th and 19th judicial circuits. The office did not report data on closed cases in Broward County (17th Judicial Circuit).

¹³ Data provided by RC 4 on the 129 closed cases includes the timing of the SSU’s assignment to the cases, the stage in the process at which the SSU was assigned, various case actions, and the child’s residential status at the end of the case.

Exhibit 5

OPPAGA Took Several Steps to Select Comparison Groups of Children Whose Parents Were and Were Not Served by MLR



Source: OPPAGA analysis.

As more data becomes available in subsequent years with more cases closed, OPPAGA anticipates a more rigorous comparative analysis of child welfare outcomes between the two groups. OPPAGA will analyze the outcomes in the larger number of closed cases and compare those with cases in the unserved group to see if there are differences in length of time to permanency and types of permanency achieved.

Children of parents served by MLR are somewhat younger than the comparison group. OPPAGA found that children of parents served by MLR are slightly younger than the unserved comparison group. The two groups have a very similar racial makeup and are identical in terms of sex. (See Exhibit 6.)

Exhibit 6

Children of Parents Served by MLR Are Slightly Younger Than the Comparison Group

Demographic Characteristic of Children	Percentage of Children of Parents Served by the MLR Program	Percentage of Children of Parents Not Served by the MLR Program
Age		
0-6	65%	52%
7-13	28%	29%
14-17	7%	18%
Race		
Black	42%	40%
White	47%	51%
Other	11%	10%
Sex		
Female	50%	50%
Male	50%	50%

Source: OPPAGA analysis of data from Regional Counsels 1, 2, 3, and 5 and the Department of Children and Families.

Both groups are similar in terms of child welfare history. OPPAGA also examined prior involvement in the child welfare system, including prior in-home and out-of-home care as well as prior verified maltreatments and investigations. Again, the two groups are similar. (See Exhibit 7.) For example, both children of parents served by MLR and children of parents not served by MLR had an average of 1.3 prior out-of-home care episodes.

Exhibit 7

Children of Parents Served by MLR Programs Had Varying Levels of Prior Involvement in the Child Welfare System

Characteristic of Child Welfare History ¹	Percentage of Children of Parents Served by Regional Counsel MLR Programs	Percentage of Children of Parents Not Served by the MLR Program
Percentage with prior in-home care	34%	26%
Average number of prior in-home care episodes	1.3	1.5
Percentage with prior out-of-home care	14%	20%
Average number of prior out-of-home care episodes	1.3	1.3
Percentage with prior verified maltreatments	27%	27%
Average number of prior verified investigations	1.5	1.6

¹ Average numbers are based on cases that have prior involvement in-home care, out-of-home care, or verified investigations.

Source: OPPAGA analysis of data from Regional Counsels 1, 2, 3, and 5 and the Department of Children and Families.

Children of parents served by MLR programs have higher percentages of maltreatment allegations involving domestic violence as the reason for entry into care. To address the first measure specified in statute (i.e., the reasons the family became involved in the dependency system), OPPAGA analyzed Department of Children and Families and regional counsel data to determine the reasons children of parents served and not served by the MLR program entered the dependency system. OPPAGA defined the reasons for entering the system as the alleged maltreatments found during child protective investigations that resulted in the child's in-home or out-of-home placement. OPPAGA's analysis found that compared to children of parents not served by MLR, children whose parents were served by MLR had higher rates of domestic violence and environmental hazards as alleged maltreatments associated with their entry into care.^{14,15} (See Exhibit 8.)

¹⁴ Environmental hazards are living conditions or situations that create a significant threat to a child's immediate safety or longer term physical, mental or emotional health due to the actions or non-actions of the caregiver.

¹⁵ Other alleged maltreatments include sexual abuse, mental injury, abandonment, and threatened harm.

Exhibit 8

Children of Parents Served by MLR Have Higher Percentages of Alleged Maltreatments Involving Domestic Violence as the Reason for Entry Into Care¹

Alleged Maltreatment Type	Percentage of Children of Parents Served by MLR Program	Percentage of Children of Parents Not Served by the MLR Program
Substance abuse	47%	44%
Neglect	47%	45%
Domestic violence	36%	23%
Physical abuse	17%	17%
Environmental hazards	24%	18%

¹ Because each child may have more than one maltreatment type identified, percentages will sum to greater than 100%.

Source: OPPAGA analysis of data from Regional Counsels 1, 2, 3, and 5 and the Department of Children and Families.

MLR teams are assigned by attorney request and each office prioritizes this resource for certain types of cases

Regional counsels prioritize certain cases to receive MLR services. A dependency case is usually assigned to a RC at the time of the shelter hearing, once a child has been removed from the home.¹⁶ The RC attorney then requests social services staff assistance. In RC1, all cases in locations with MLR services are initially assigned to social services staff to complete an intake. Results of these intakes are then shared with the attorney assigned to the case, the supervising attorney, the social services unit director, and the social services staff member for review. After this review, a determination is made whether the client meets criteria to be assigned to the MLR program. Since there are not enough social workers and family advocates to work on all the dependency cases, regional counsel office attorneys prioritize certain types of cases for MLR services. Regional counsel staff mentioned various case or client characteristics that they consider when deciding if a case should be assigned an MLR team. Some of the factors mentioned include

- clients who had been in foster care as a child;
- pregnant mothers;
- teen parents;
- clients with a history of child removal;
- domestic violence victims;
- developmentally disabled clients or children;
- clients with mental health issues;
- clients with substance use disorders;
- cases involving alleged medical neglect; and
- client's willingness to work with the MLR team and complete case plan services.

¹⁶ In approximately 10% of the cases served by the MLR programs in Fiscal Year 2022-23, the child was receiving in-home services.

Multidisciplinary legal representation teams can be assigned at various points during the case

MLR teams are assigned to cases at various times. The time at which MLR services are added to a case varies, with a majority receiving services within three months of a child's removal. In Fiscal Year 2022-23, 60% of children whose parent was assigned to an MLR program had the parent assigned within 90 days of removal. Thirty-two percent (32%) of children with a parent assigned to an MLR program were assigned within 10 days of removal. RC 4's analysis of a sample of cases closed in Fiscal Year 2022-23 showed that the regional counsel assigned social services staff to 50% of the cases either at the shelter hearing (22%) or before case plan/dependency adjudication (28%).

Staff in some RC offices reported preferring to provide MLR services as early as possible in the case. The more quickly MLR services begin, the greater ability the MLR team has to shorten the time to permanency; or in some cases prevent removal in the first place. Early involvement in the case can mean that the MLR team is available to help with safety planning and could encourage DCF to offer in-home services or place the child with someone of the parent's choice. In RC 3, the attorney who covers shelter hearings and intake may contact the MLR staff immediately to alert them to cases that may need their assistance.

In its response to OPPAGA's prior report, RC 4 indicated its desire to see an amendment to s. 27.511, *Florida Statutes*, which would give RCs express authority to provide preventive, pre-petition representation when parents are under DCF investigation. At the time the investigation begins, clients would be referred to the MLR program by DCF staff, court staff, or legal services. The MLR team would then begin work on the case to stabilize a vulnerable family and wherever possible, prevent removal. Earlier involvement in cases would allow the MLR team to participate in safety planning. The safety plan is a plan developed by the case manager in consultation with the parent that controls and manages threats to a child when a parent is unavailable, unable, or unwilling to protect the child. Department procedures require that the parent be engaged in developing the safety plan to the fullest extent possible.

MLR program social services staff are bound by attorney/client privilege but do not give legal advice

Social services staff are bound by attorney/client privilege. As members of the legal team, the MLR staff are bound by attorney/client privilege, which protects confidential communications between a lawyer and their client that relate to the client's legal services. The protection extends to any information exchanged during privileged communications, including not only verbal discussions but also written correspondence, emails, and texts. As regional counsel staff, the social services staff keeps privileged information confidential and will not disclose client confidences to DCF. This feature of their role is critical for establishing trust between the social worker, forensic family advocate, parent peer advocate, and the client as well as between the client and the attorney. Furthermore, some RCs mentioned that clients are much more willing to be candid knowing that the MLR team will not disclose anything to the DCF case manager without permission.

Social services staff do not give legal advice. While the MLR social workers, family advocates, and parent peer advocates are a key part of the client's legal representation team, they do not give legal advice. All client questions that require legal advice and guidance are referred to the client's attorney. The social services staff do help collect key information from the clients on which the legal strategy is

based; for example, the social services staff may learn that the client has identified a relative or close family friend with whom the child could be placed for out-of-home care or that the client would benefit from a service the attorney could petition the court to require DCF to provide. Social services staff share their observations of the client's current successes and challenges with the attorneys, such as completed case plan tasks or impediments. Attorneys incorporate social services staff insights into the legal advocacy for the client, which may lead to more targeted case goals such as better tailored case plans and services, more frequent child visitation, and earlier reunification.

Social services unit staff provide a wide array of services to clients and attorneys

Helping clients understand the process. Social services staff provide numerous services to clients and attorneys, many of which are common in all the RCs. A social services unit staff member meets with the client as soon as they are assigned to the case to explain the dependency process and to begin helping the client navigate this complex process. RCs 4 and 5 provide the client with a handbook that contains information about who the different participants in the system are and important information about court proceedings. The handbook also contains a tracking worksheet for clients to maintain a list of their appointments and court dates.

Providing access to case plan services. Another key service provided by the social services unit is helping clients quickly locate and access the services and programs ordered by the court in the case plan. The SSU also helps the client collect necessary records and documents to meet requirements of the case manager or service providers.

Additionally, staff at several RCs mentioned helping clients find more appropriate services when the services in the case plan are not specific to the client's needs or situation. According to RC staff, the services included in case plans are sometimes generic. In these cases, social services staff can advocate with the dependency case manager for services that are specific to a client's needs.

Regional counsel staff mentioned delays in case plan completion that can be caused if the services ordered are not funded right away or processed quickly. Although DCF is responsible for funding many ordered services, regional counsel staff indicated that funding may not be provided at the time of referral. In these situations, social services staff may help the client by identifying alternative services that would be funded or staying in contact with the case manager until funding is released. Delays can also occur if DCF is not timely processing the paperwork required for a service referral. RC 1 is currently in discussions with a community-based care lead agency to allow MLR staff to prepare request for services documents instead of waiting for DCF. RC 1 staff estimate that they will be able to complete paperwork in a matter of days, while it is currently taking four to five weeks.

Facilitating communication. Helping clients communicate with dependency case managers, providers, and others is another service provided by the social services staff. Social workers and parent peer advocates are trained to both help clients understand what is being said as well as to help clients make themselves understood. RCs mentioned the important role the social work staff plays in helping clients manage strong emotions that can interfere with their ability to communicate clearly and achieve case plan goals. Staff at RC 4 described assisting clients who may lack clear and concise communication skills by talking to them supportively and being a mediator between the client and case manager.

Attending meetings and court hearings with clients. Social services staff also attend meetings, court hearings, and other events with clients. All of the RCs spoke about the importance of social work staff

attending meetings with DCF to help advocate for the client and to correct any misinformation about what steps the client has taken towards completing the case plan. The RCs believe that meetings with case managers are more efficient and productive when social services staff attend with the client. According to staff in some RCs, clients' attorneys are sometimes not invited to DCF meetings because their presence would require the attendance of the attorney for the department and the guardian ad litem as well, making the meetings difficult to schedule.¹⁷ Social services staff can also attend meetings with DCF when attorneys are too busy to attend. Finally, the social services staff may attend visitations with the client and the child to monitor and assist the parent to have successful visitation. This role may include advocating for the client when visitation is not occurring or visitation characteristics are not appropriate for the client.

Preparing for court. The social services staff have a key role in helping the client's attorney prepare for court. Social services staff help gather evidence and prepare case notes. The extensive knowledge of case details and events that the social services staff develop may also assist the attorney in providing the court information on the progress a client has made on their case plan.

Developing knowledge of community resources. Social services staff also attend community events and serve on various boards and committees. They develop broad knowledge of the services available in the community and help connect clients with those services. Staff cultivate relationships with community stakeholders and agencies to expand their knowledge of available resources and to familiarize the child welfare community with the MLR programs.

Success Indicators and Benefits

Regional counsel staff identified multiple indicators of success

Staff at all five Offices of Criminal Conflict and Civil Regional Counsel expressed satisfaction with the multidisciplinary legal representation programs. Staff identified several indicators of the success of the multidisciplinary legal representation approach, such as a greater percentage of cases ending in reunification or placement with relatives. RC staff also assert the benefits of the MLR approach, even in those cases where reunification with the client's children is not a possibility.

Reunification with client parent. All of the RCs believe that more clients will achieve reunification with their children because of the MLR team approach. The ability of the team to facilitate clients' timely access to case plan services through effective communication with case managers and providers is viewed as increasing the likelihood of reunification. The trust established with clients and the emotional and legal support provided make it more likely that clients will be engaged and able to complete case plan tasks.

The RCs also believe that the MLR teams are shortening the time to permanency through their client advocacy. For example, RCs 4 and 5 pointed to getting faster buy-in from clients by helping them understand how to accomplish case plan tasks, ensuring that referrals are made and services are started quickly, and assisting with successful visitation as some of the factors shortening the time children are out of the home. However, some clients need time to successfully complete court-ordered programs such as substance abuse treatment.

¹⁷ The guardian ad litem is a community volunteer who advocates for the best interests of the child. The GAL program attorney represents the GAL program and may speak for the GAL volunteer in court hearings and DCF meetings.

RC staff also described the importance of intermediate goals along the path to reunification. These intermediate goals may include successful completion of parenting classes and finding housing or employment. Achieving unsupervised visitation for the first time is another important milestone for clients that helps preserve the bonds within the family and provides encouragement to the client. MLR teams mentioned having to advocate strongly for visitation and that they do this as early in the case as possible.

Reunification with non-client parent or placement in permanent guardianship with kin or fictive kin.¹⁸ For various reasons, some clients may not ultimately be able to reunify with their children. However, in those cases, placement of the child with the other parent or with relatives or close family friends through a permanent guardianship may be a successful outcome. If a court determines that reunification or adoption is not in the best interest of the child, the court may place the child in a permanent guardianship with a relative or other adult approved by the court if certain conditions are met. A permanent guardianship does not terminate the parent-child relationship and maintains the child's inheritance rights, the parent's right to consent to adoption, and the parent's responsibility to provide financial, medical, and other support for the child as ordered by the court. Additionally, permanent guardianship orders can be modified in the future.

Termination of parental rights. Even in cases that close without the child living with the client or with family, MLR program staff identified other positive impacts that their work can bring to the case. Social services staff may increase the client's long-term stability or wellbeing by supporting their efforts to complete mental health or drug treatment. Clients may have input into the ultimate placement of their child or be able to have some form of future contact. MLR teams reported an increased ability of clients to advocate for themselves in various situations as well as the positive impact on a client's self-esteem from having a team to support the client and advocate for their interests.

Future OPPAGA analysis will examine the length of time it takes to achieve a permanency goal and the frequency of each type of permanency goal

The Legislature directed OPPAGA to examine the length of time it takes to achieve a permanency goal and the frequency of each type of permanency goal achieved, both for children whose parents are served by an MLR program and for children whose parents were not served by MLR. As discussed previously, these outcomes are not the only possible measures of effectiveness, and the RCs identified various other indicators of success. However, several of the RCs indicated that achieving reunification for more clients is a primary program objective.

At this time, it is too early in the implementation of MLR programs to complete a full analysis of the length of time to permanency and the frequency of achieving each permanency goal. As of July 2023, only 35% of children who had a parent participate in an MLR program in Fiscal Year 2022-23 were discharged from DCF custody. For the other 65% of children, their cases were still open, so the length of time until permanency and the final permanency outcome are yet to be determined. The current data on closed cases would be based on those cases that closed quickly and were more likely to have closed as reunifications.

¹⁸ An individual who is unrelated to the child by either birth or marriage but has such a close, emotional relationship with the child that they may be considered part of the family (e.g., godparents and close family friends).

OPPAGA would expect that as the children with open cases achieve permanency, the measure of average length until permanency would naturally increase because, by definition, the cases have been open longer. Further, the types of permanency vary in terms of length of time. For example, DCF reported in July 2023 that in terms of time to final disposition, children reunified with a parent average 13.6 months from removal to permanency, whereas children who are adopted average 32.8 months from removal to adoption. Thus, OPPAGA would expect to see a higher percentage of reunifications in shorter cases, whereas cases that are still open at the time of this analysis most likely have a lower probability of reunification.

In the 2024 review, OPPAGA will continue to report data on reasons the family became involved in the dependency system. Further, as more children with parents in MLR programs achieve permanency, more data will be available for analysis of the length of time to achieve permanency and the permanency goal achieved. OPPAGA will also refine the comparative analysis to control for other factors relevant to case outcomes, such as family size. In addition, as time in the study period increases, analysis of rate of subsequent abuse or neglect post-reunification may be possible in the fourth report in the series.

AGENCY RESPONSE

In accordance with the provisions of s. 11.51(2), Florida Statutes, a draft of OPPAGA's report was submitted to the five Offices of Criminal Conflict and Civil Regional Counsel. The offices' written responses have been reproduced in Appendix A.

APPENDIX A

Agency Responses



STATE OF FLORIDA
OFFICE OF CRIMINAL CONFLICT & CIVIL REGIONAL COUNSEL
FIRST REGION

CANDICE K. BROWER
REGIONAL COUNSEL



Richard G. Currey,
Chief Assistant Regional Counsel

FIRST CIRCUIT

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- ❑ **OKALOOSA - NORTH**
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Crestview, Florida 32539
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- ❑ **OKALOOSA - SOUTH**
1804 Lewis Turner Blvd., Suite 202
Fort Walton Beach, Florida 32547
850-586-7360
- ❑ **SANTA ROSA**
Post Office Box 369
Milton, Florida 32572
850-983-0302
- ❑ **WALTON**
Post Office Box 1403
DeFuniak Springs, Florida 32435
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SECOND CIRCUIT

- ❑ **LEON / ADMIN**
Post Office Box 1019
Tallahassee, Florida 32302
850-922-0179

THIRD CIRCUIT

- ❑ **COLUMBIA**
Post Office Box 2698
Lake City, Florida 32056
386-754-1076

FOURTH CIRCUIT

- ❑ **CLAY**
Post Office Box 1047
Green Cove Springs, Florida 32043
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- ❑ **DUVAL**
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Jacksonville, Florida 32202
904-301-1112
- ❑ **NASSAU**
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Yulee, Florida 32097
904-225-9737

EIGHTH CIRCUIT

- ❑ **ALACHUA**
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Gainesville, Florida 32601
352-377-0567
- ❑ **BAKER**
Post Office Box 1349
Macclenny, Florida 32063
904-712-2030

FOURTEENTH CIRCUIT

- ❑ **BAY**
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Panama City, Florida 32045
850-767-3330
- ❑ **JACKSON**
Post Office Box 509
Marianna, Florida 32447
850-482-9922

November 17, 2023

Ms. PK Jameson
Office of Program Policy Analysis and Government Accountability (OPPAGA)
111 West Madison Street
Room 312, Claude Pepper Building
Tallahassee, FL 32399-1475

Dear Ms. Jameson:

Thank you for the opportunity to review the draft of the Multidisciplinary Legal Representation of Parents in Dependency Proceedings: Fiscal Year 2022-23 report. Please consider this the Office of Criminal Conflict and Civil Regional Counsel, 1st Region's (OCCCRC1) official response in accordance with S. 11.51(2), Florida Statutes.

OPPAGA's analysis and summary of our complicated dependency law and the Multidisciplinary Legal Representation Model is accurate and thorough. The report correctly reflects the history of the MLR program in other states, its positive outcomes, and why it is essential to expand the program fully in the State of Florida.

As reflected in the report, the delay in receiving federal Title IV-E funds by the Department of Children and Families (DCF) has affected our ability to increase services to more clients. On November 16th, 2023, we were informed that the PACAP has finally been approved. We are eager to receive the Title IV-E funding to expand the MLR program. We anticipate that once the funding is available, we will be able to roll out MLR to all 32 counties within the OCCCRC1 region.

The success of MLR can clearly be measured by faster reunifications, but it can also be measured by other factors such as reduced recidivism and expediting permanency in cases where it is evident that reunification is not an option. These are and should be goals for the dependency system as a whole and with the ability to expand the program using Title IV-E funding, we fully expect that

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these positive outcomes will be measurable and evident as OPPAGA continues their yearly assessments. We look forward to continuing to work with OPPAGA to see the calculable improvements to families in Florida who have gone through the dependency system.

Sincerely,



Candice K. Brower
Regional Counsel, 1st Region

Defending you, protecting your family, preserving your rights.

Administrative Office
2101 McGregor Blvd., Suite 101
Fort Myers, Florida 33901
Telephone: 239.208.6925
Facsimile: 239.963.1534



Fort Myers
Reply to:

Ha M. Neymotin

**Office of Criminal Conflict and Civil Regional Counsel
Second & Sixth District Courts of Appeal**

NOVEMBER 21, 2023

PK Jameson, Coordinator
Office of Program Policy Analysis and Government Accountability
111 West Madison Street, Room 312
Tallahassee, Florida 32399

Dear Ms. Jameson:

The Multidisciplinary Legal Representation of Parents in Dependency Proceedings: Fiscal Year 2022-23 report produced by OPPAGA clearly and concisely explains the benefits provided by multidisciplinary legal representation (MLR) teams. These benefits extend not only to the parents and children involved in the dependency system, but also to the fiscal interests of the State, by reducing the costs associated with an increased length of time children remain within the foster care system.

Regional Counsel, Second District's MLR Pilot Program projects an estimated savings to the State of more than \$17.5 million of taxpayer dollars and decreases the time children spend in foster care by approximately 28%. As indicated by the Fiscal Year 2022-23 report, RC2 has created a program consistent with goals and methods established by the legislature's enactment of Section 39.4092, Florida Statutes. Despite the lack of anticipated funding provided for in Section 39.4092(1)(e), Florida Statutes, RC2 commenced services to families and, additionally, has proposed an expansion of its current non-Title IV-E budget allocation to operate and expand its MLR Pilot Program as detailed in the enclosed summary. RC2's proposed expansion will decrease the workload burden on Dependency attorneys, increase the number of cases handled and achieve permanency for families sooner in a manner that saves taxpayer dollars.

The MLR methodology has the potential to revolutionize the current dependency system practice from both a legal and financial perspective. While the use of MLR teams is currently limited, additional funding sources would allow all Regional Counsel offices to expand their use

Judicial Circuits of Florida
6th, 10th, 12th, 13th & 20th

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New Port Richey, FL 34654
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**20TH CIRCUIT OFFICES
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2666 Airport-Pulling Rd. S.
2nd Floor
Naples, FL 34112
239-417-6209

407 East Marion Ave., Suite 102
Punta Gorda, FL 33950
941-639-4545

and allow a more significant impact on the dependency system. Our hope is that through the hard work detailed in the report, the benefits provided by MLR teams will be recognized; and result in further funding to expand MLR programs which in turn will expand the services they provide to all parents involved in the child welfare system.

Sincerely,



Ita M. Neymotin
Regional Counsel
Second Region



Regional Counsel, Second Region Dependency Pilot Project

Ita M. Neymotin
Regional Counsel, Second Region

PROBLEM:

- Dependency cases routinely fail to achieve family reunification or other permanency within 52 weeks.
- These delays hurt children and families and increase costs.
 - In Florida, the median length of stay in foster care is 16.1 months. *(Florida - Child Welfare Outcomes - Based on Children that exited foster care in 2021)*
 - In 2021, over 36,000 Florida children were reported to have suffered maltreatment while in foster care. *(Florida - Child Welfare Outcomes)*
- Frequent turnover of case managers with the Department of Children and Families results in delays of services and insufficient assistance and guidance for parents engaged in case plans.

SOLUTION:

- Dependency Social Worker Pilot Project:
 - Social workers assisting parents' attorneys can work with parents to complete their case plans expeditiously.
 - Dependency caseloads are too large for parents' attorneys to provide both legal work and the type of assistance social workers provide.
 - Quicker family reunification shortens the time children remain in foster care and reduces the number of required court hearings, leading to increased savings.

SAVINGS:

- Projected Savings of an average of \$17,745,000 per year by reducing the reunification time in 250 cases by 20 weeks.

REQUESTED:

- \$1,580,784
- 5 Dependency Social Workers
- 5 Paralegals
- 1 Social Worker Coordinator



Law offices of
Criminal Conflict and Civil Regional Counsel

THIRD REGION OF FLORIDA
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REGIONAL COUNSEL

TEL: (305) 579-6550

November 22, 2023

The Florida Legislature
Office of Program Policy Analysis and Government Accountability
111 West Madison Street, Room 312
Tallahassee, FL 32399-1475
[Via E-mail: OPPAGA@oppaga.fl.gov]

Dear Sir/Madame:

Please allow the following to serve as the response from the Office of the Criminal Conflict and Civil Regional Counsel – 3rd Region (“RC3”), as follows:

- RC3 prioritizes cases to receive MLR services as outlined in OPPAGA’s report. However, RC3 also assigns MLR staff on cases in which the following circumstances occur:

Foster Parents at times undermine the court approved case plan goal of Reunification by, for example: hiring investigators (to surveil or further investigate our clients) or attorneys (to fight against reunification) or voting against reunification at a staffing on the particular case or in court hearings. When the Parent has completed all services and is seeking to be reunified, MLR staff are assigned in order to further assist the Parent to defend against a Petition to Terminate Parental Rights filed by the Foster Parents which can go on for an extended period of time and wreak havoc on the children, Parents and the court system.

- RC3 also desires to see an amendment to Florida Statute 27.511 which would give the Regional Counsel offices express authority to provide preventative pre-petition representation when parents are under DCF investigation. RC3 already provides this service to Parents **on open dependency cases** where the Parent has already been reunified and an abuse report is called in on them and a DCF investigation begins. Our assistance has often prevented the removal of the children from their home and/or their re-entry into foster care.
- Due to the increased rates of DCF case manager turnover, the increased cost of living and the present housing crisis in Miami, RC3's MLR staff assistance has become even more critical. The staff assists clients in attaining housing as well as immediate services when case managers can't or don't have time to do so.
- RC3 also provides clients with handbooks articles on parenting, visitation and a list of resources for parents who find themselves in the dependency system. MLR staff also invite our clients to attend a Parent Support Workshop that is led by Parent Peers that RC3's MLR staff helped establish. It is held once a week in the evenings for all parents that have open dependency cases to attend. Each workshop meeting focuses on a different subject such as Visitation, Case Plan Compliance, etc.
- Our MLR Staff also trains DCF protective investigators and case managers as part of their regular training curriculum on how to collaborate with our MLR staff to ensure that Parents, on cases they are assigned to, can receive the most expedient services and have every opportunity to achieve reunification. We discuss Parents' rights on dependency cases and/or investigations and advise them on how best to assist our clients from a parent's perspective.

Please let us know if you have any other questions and thank you in advance for your kind consideration and attention to this matter.

Happy Thanksgiving,

Margaret Julien, Esq.

Margaret Julien, Assistant Regional Counsel
Managing Attorney - Dependency Division
Office of the Criminal Conflict and Civil Regional Counsel – 3rd Region

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OPPAGA

Office of Program Policy Analysis and Government Accountability

OPPAGA provides performance and accountability information about Florida government in several ways.

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