

---

**2024**  
**Children's Legal Services**  
**Annual Report**  
**On Contracted Attorneys**

Department of Children and Families  
Children's Legal Services

Shevaun L. Harris  
Secretary



Ron DeSantis  
Governor

---

**Table of Contents**

Purpose..... 2

Background..... 2

Outcome-Measure Attainment..... 3

    Methodology..... 3

    Fiscal Year 2023-24 Outcomes ..... 5

Performance Quality ..... 7

    Peer Review Evaluation Methodology ..... 7

    Fiscal Year 2023-24 Peer Review Findings..... 9

Cost Efficiency ..... 12

## Purpose

In 2020, the Florida Legislature passed Senate Bill 1326, which established new laws concerning contracts for the provision of legal services on behalf of the Department of Children and Families (Department). Section 409.996(20)(e), Florida Statutes (F.S.) (2024), requires the Department to conduct an annual program performance evaluation of its contracted attorneys that shall be based on the same child welfare practice model principles, and federal and state performance standards, that are imposed on Children's Legal Services attorneys employed by the Department. The program performance evaluation shall be conducted by a team of peer reviewers from the contracted attorneys' office that perform legal services and representatives from the Department. Below is the annual report required by section 409.996(20)(e), F.S. (2024), that examines performance quality, outcome-measure attainment, and cost efficiency of the services provided by the contracted attorneys.

## Background

The Children's Legal Services unit within the Office of the State Attorney (SAO) in Circuit 6 began as a pilot project. The 1996-97 Appropriations Act established three pilot locations changing the organizational placement of Child Welfare Legal Services (CWLS, the predecessor to Children's Legal Services) personnel from the Department of Health and Rehabilitative Services to the Office of the Attorney General (OAG) in the 17th Judicial Circuit and the SAO in the 8th and the 16th Judicial Circuits.<sup>1</sup> An initial evaluation of the pilot issued by OPPAGA recommended that the pilot be continued.<sup>2</sup>

When OPPAGA last evaluated CWLS in 2004, the Department had moved from the pilot to a contractual relationship with the SAO for legal services in Circuit 6, and with the OAG in Circuits 13 and 17, as well as Manatee County in Circuit 12.<sup>3</sup> The 2004 report explained that, while the OAG provided legal services for the Department in some areas of the state, the then-Attorney General believed that it was not a core function of his office and was therefore not interested in expanding the function beyond the three counties his office served. Similarly, while the SAO in Circuit 6 provided these services in Pinellas and Pasco counties, other state attorneys had not shown an interest in providing the services. In 2012, the OAG transferred the legal services for Manatee County back to the Department. In 2021, the OAG transferred the remainder of their contracted offices, Circuits 13 and 17, back to the Department.

Pursuant to the current contract, the SAO is responsible for all legal services to be performed on behalf of the State of Florida in all juvenile dependency and termination of parental rights proceedings governed by Chapter 39, F.S., the Florida Rules of Juvenile Procedure, section 409.1451, F.S., or otherwise properly heard in dependency court, as well as all related appellate proceedings in Circuit 6 (Pinellas and Pasco Counties). The current contract ends on June 30, 2026, but the contract can be renewed by mutual agreement.

---

<sup>1</sup> See *Office of Program Policy Analysis and Government Accountability (OPPAGA) Evaluation of Child Welfare Legal Services Pilot Projects*, Report No. 96-44, January 29, 1997

<sup>2</sup> See *id.*

<sup>3</sup> See *OPPAGA Special Report*, Report No. 04-05, January 2004.

## Outcome-Measure Attainment

Children's Legal Services uses four key quantitative measures (performance goals) to drive performance outcomes and determine compliance with the requirements of Chapter 39, F.S, and the Department's policies and procedures. The process for measuring outcome attainment is not static. Rather, Children's Legal Services' performance measurement process is designed to evolve to meet the changing needs of Children's Legal Services. The Regional and Circuit Reviews provide valuable information on outcomes where Children's Legal Services excels, and on areas that need greater focus. Each performance measure is calculated through Florida Safe Families Network (FSFN) reporting.

### Methodology

#### Performance Goal – Percent of Children in Out-of-Home Care over 15 Months & No TPR Activity

**What is reviewed?** The total number of children in out-of-home care, over 15 months, with a goal of reunification and no recent termination of parental rights (TPR) activity is divided by the total number of children in out-of-home care to arrive at a percent. A percent is used to ensure all areas are equally evaluated despite differences in geographic characteristics and workload volume.

**Goal:** 6.5% or less.

**Why is this reviewed?** Time is of the essence for a child in out-of-home care. Permanency must be achieved as expeditiously and safely as possible. The law requires the court to hold a permanency hearing every 12 months where the primary consideration is the child's best interest. At the 12-month hearing, the court may change the permanency goal and direct the Department to file a Termination of Parental Rights Petition within 60 days. Alternatively, the Department may file a Termination of Parental Rights Petition in the absence of a goal change or order from the court if the action is supported by the law and the Department determines that termination of parental rights is in the child's best interest. This measure provides information on how many children have their reunification goal extended beyond the 12-month mark for whom the Department has not filed a Termination of Parental Rights Petition. Children's Legal Services' efforts to reduce this population of children promotes permanency for children in out-of-home care.

#### Performance Goal – Disposition Achieved in 90 Days or Less

**What is reviewed?** For each child reaching disposition in the period, the total number of days between shelter and disposition is calculated. The total number of days for each child reaching disposition is collected to form a data set for the circuit or region. From this data set, the median number is reported to reflect the circuit's or region's overall performance.

**Goal:** 90 median days or less.

**Why is this reviewed?** The court must hear and evaluate the facts behind each case to make a final decision for each child. Delays in the court process can affect service delivery times and ultimately delay permanency for a child. The law requires that a child removed from their home reach disposition within 90 days. A court may grant limited continuances, but this additional time must not exceed 60 days (for a combined total of 150 days) except in extraordinary circumstances.

### **Performance Goal – Lowering the Median time from TPR Filing to Final TPR Order**

**What is reviewed?** All children reaching a final order of termination of parental rights during the period are evaluated to determine the median number of days from the filing of a Petition for Termination of Parental Rights to the entry of a Final Order Terminating Parental Rights.

**Goal:** Median of 180 days or less.

**Why is this reviewed?** The federal goal for children being adopted is to achieve a final adoption within 24 months of removal. The period of time that a filed Termination of Parental Rights Petition is pending in the court process to free a child for adoption directly affects the State's ability to meet this federal goal. There are many factors that can delay court proceedings, including the need to conduct diligent searches, publish on missing parents, prepare complex cases, and find available court time for trials that can last several days. Children's Legal Services monitors these time periods to identify areas in the state where the legal process is impacting the time it takes to achieve permanency.

### **Performance Goal – Draft Orders Submitted within 15 Calendar Days (20 days for TPR)**

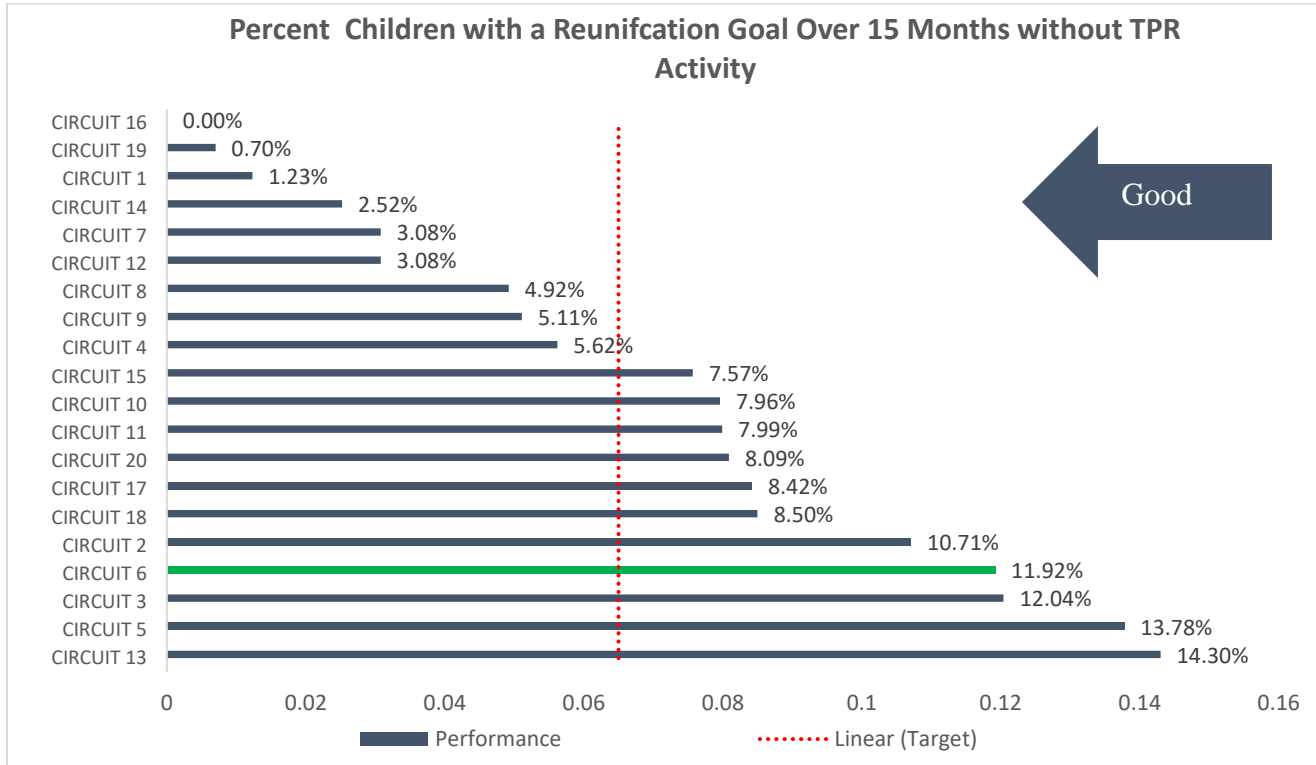
**What is reviewed?** Where Children's Legal Services drafts court orders, there is an expectation that the draft orders are submitted to the court within 15 calendar days of the court event or 20 days for TPR orders. The number is the timely percent of all orders from events occurring in the period where a "draft order due" notation is made in the legal module for orders related to shelter, adjudication, case plan, termination of parental rights, and case closure. While Children's Legal Services also draft orders related to judicial reviews, permanency hearings, status hearings, and motions, those orders are not tracked in this report because the volume of those orders would skew the results.

**Goal:** 80% or greater.

**Why is this reviewed?** Courts rely heavily on litigants to prepare proposed orders for submission to the court. While some judges and magistrates memorialize their own rulings, most require Children's Legal Services to provide an order that accurately reflects the court's ruling. Delays in preparing orders can extend the time for appeal, delay the court process, delay communication of the court's ruling, and impact Title IV-E claiming.

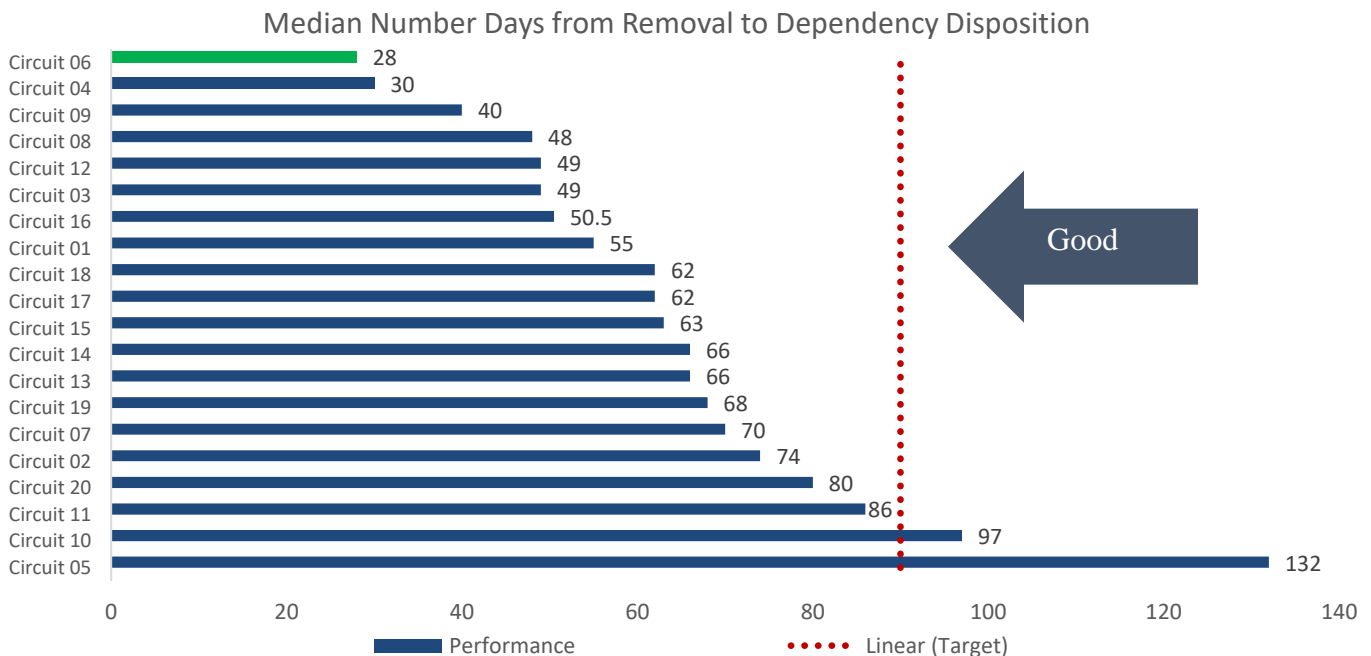
### Fiscal Year 2023-24 Outcomes

**Performance Goal: Children in Out-of-Home Care over 15 Months without TPR Activity**  
 Lower is better. The goal is 6.5 percent or less. As of June 30, 2024, Circuit 6 had the second largest population of children in out-of-home care (OOHC) in the state with 1,561 children.



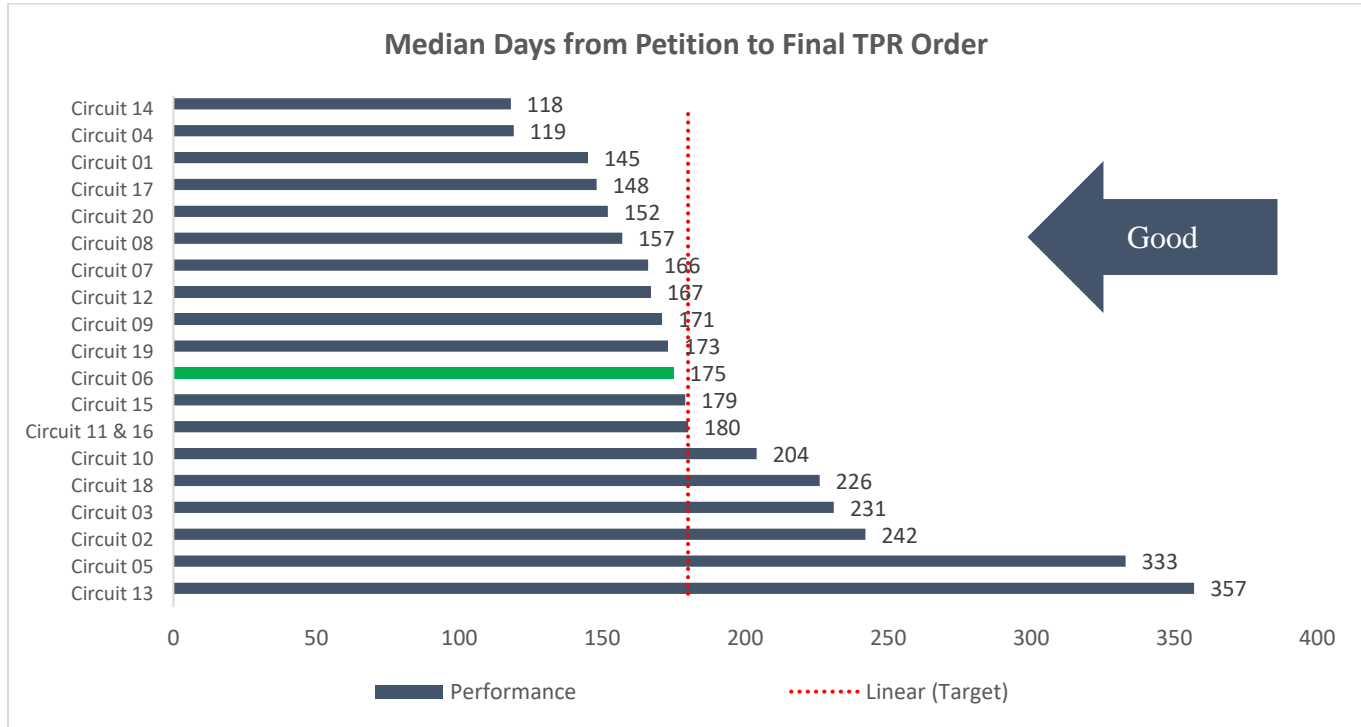
### Performance Goal: Disposition Achieved in 90 Days or Less

Lower is better. The goal is 90 median days or less. In Fiscal Year (FY) 2023-24, CLS achieved disposition for 2,927 children and SAO for 148.



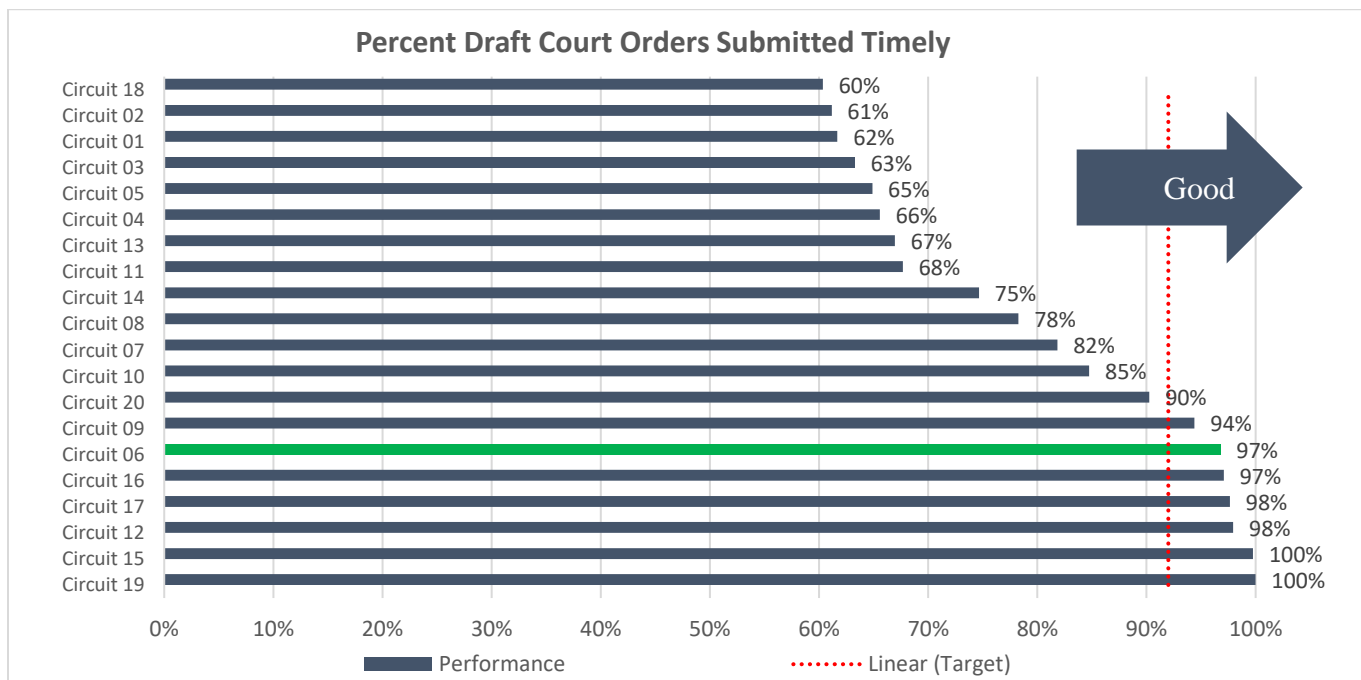
**Performance Goal: Lowering the Median Time from TPR Filing to Final TPR Order**

Lower is better. The goal is 180 median days or less. In FY2023-24, CLS prosecuted termination of parental rights for 2,766 children and SAO for 321.



**Performance Goal: Draft Orders Submitted within 15 Calendar Days (20 days for TPR)**

Higher is better. The goal is 80 percent or greater. The below calculations are based upon a review of 29,741 orders for CLS and 1,644 orders for SAO. See explanation of performance goal above for listing of which orders are evaluated.



## Performance Quality

### Peer Review Evaluation Methodology

#### Case Selection

Children's Legal Services (CLS) and its contracted partner at the SAO completed the annual program performance evaluation by reviewing cases in a peer review format. The apportionment of the selected cases was equal for CLS and for the SAO. Cases were randomly selected and were required to meet the following criteria:

1. The case has been/was open a minimum of 13 months.
2. The case has no more than 3 children.
3. All children were adjudicated dependent.
4. The case did not involve an expedited termination of parental rights.
5. The case had not been transferred between jurisdictions.
6. The case could not have been closed more than 2 months before the case selection date.

These six (6) criteria were required to ensure that each selected case was a fair representation of the specific areas being evaluated in the peer review. A case needed to be open 13 months to ensure a permanency hearing had occurred and a court order had been entered. Florida law requires a permanency hearing occur 12 months from removal and at least every 12 months thereafter. Specific findings should be made at a permanency hearing, to include the appropriate permanency goal for a child(ren). Likewise, the requirement of the child being adjudicated dependent was to ensure the case was open long enough for certain statutory requirements to be met. The other requirements were chosen to ensure required review materials were available, not onerous, and were specific to one judicial area.

#### Areas of Review

Five Areas of Review were chosen to ensure compliance with the laws of Florida and Title IV-E of the Social Security Act. Of importance was measuring performance and efforts toward achieving permanency as safely and expeditiously as possible and including caregivers and children in the dependency process. Each area covered a specific topic and included pre-determined sub-area requirements. Although, CLS and its contracted partner do not control every item within a topic, the chosen sub-areas included some required action by CLS and its contracted partner. An asterisk is placed next to items that are heavily reliant on community partners.

The areas and sub-areas are as follows:

#### Area 1: A Strong Foundation

- a. Shelter order contains Title IV-E language, if appropriate.
- b. Shelter hearing held within 24 hours of the child's removal from the home.
- c. Paternity established by court order that (1) finds an individual to be a legal father, (2) determines that an identified prospective father could not be located after diligent search or was located, provided notice, but did not file an affidavit of parenthood, or (3) finds that a prospective father has not been identified and the child has no legal father.
- d. Indian Child Welfare Act (ICWA) requirements addressed.



- e. Visitation ordered for both parents and siblings (if siblings not placed together), or best interest finding made on why visitation should not occur.
- f. Attorney ad Litem appointed as required by Chapter 39, F.S.

**Area 2: The Existence of a Plan of Action to Achieve Permanency**

- a. Filed case plan includes each parent and each child to the case and whether tasks or services are required.\*
- b. At a judicial review within 6 months of the child's removal, the court order finds that reunification is likely within 12 months or, if the court finds reunification is unlikely within 12 months and a concurrent plan is not already being used, the attorney motioned for the addition of a concurrent goal as outlined in section 39.701(2)(d)5, F.S., (2024).
- c. If the reunification goal was extended at the 12-month permanency hearing, the court order includes a legally sufficient rationale.
- d. Incarcerated parent is addressed by the Department and the court throughout the legal case. This includes findings against the incarcerated parent in the adjudication order, filed case plan includes tasks for incarcerated parent and available services at the jail/prison to complete the tasks, and judicial review order reflects level of compliance with court-ordered tasks.\*
- e. Conditions for Return language used at judicial reviews as evidenced by court order.

**Area 3: Timely Completion of CLS Legal Actions**

- a. Dependency petition filed within 21 days of shelter pursuant to computation of time under Rules of Judicial Administration.
- b. Termination of Parental Rights petition filed within 60 days of goal change to adoption pursuant to computation of time under Rules of Judicial Administration.

**Area 4: Timely Completion of Court Legal Actions**

- a. Dependency adjudicatory hearing held in 30 days after arraignment if parent does not enter consent. If continued, court file reflects appropriate legal basis for continuance (i.e., diligent search, paternity issues, and service of process where the delay is not attributable to CLS).
- b. Initial Judicial Review held within 90 days of disposition or 6 months from removal from the home.
- c. Permanency Review held within 12 months of the child's removal from the home and every 12 months thereafter.

**Area 5: Notice and Right to Be Heard**

- a. Caregivers were given adequate notice of hearings and an opportunity to provide meaningful input as evidenced by court orders.
- b. Court order reflects caregiver was given an opportunity to be heard or decided not to address the court. Any caregiver input form was filed with the court.
- c. Court order reflects child was present at hearings or the court made a best interest finding excusing their presence.

## Review of Cases and Scoring

Cases were reviewed by a four-person team comprised of two CLS representatives and two representatives from the SAO.

Each reviewer used a Peer Review Tool to evaluate the randomly selected case. Each Area was rated either a "Strength" or "Improvement Needed." Each sub-area was rated "Yes," "No," or "N/A." For an area to receive a rating of "Strength," all sub-areas had to receive a rating of "Yes" and/or "N/A." **If a single sub-area was rated as "No," the entire Area would be ranked "Improvement Needed."** If a member of the four-person team rated an area as a "Strength," while the other member rated the area as "Improvement Needed," a second-level review, including the four-person team, the SAO Dependency Division Director, the applicable CLS Regional Director, the CLS Deputy Director, and the CLS Statewide Counsel for Quality Assurance occurred. If the second-level review did not resolve the disagreement, the CLS Statewide Director made the final decision after input from the contracted office and the original reviewers.

## Fiscal Year 2023-24 Peer Review Findings

### Area 1: A Strong Foundation

#### Criteria:

Shelter order contains Title IV-E language, if appropriate.

- a. Shelter hearing held within 24 hours of the child's removal from the home.
- b. Paternity established by court order that (1) finds an individual to be a legal father, (2) determines that an identified prospective father could not be located after diligent search or was located, provided notice, but did not file an affidavit of parenthood, or (3) finds that a prospective father has not been identified and the child has no legal father.
- c. ICWA requirements addressed.
- d. Visitation ordered for both parents and siblings (if siblings not placed together) or best interest finding made on why visitation should not occur.
- e. Attorney ad Litem appointed as required in Chapter 39, F.S.

#### Findings

- Both the SAO and CLS performed well in this area for the cases that were reviewed (100%).

## Area 2: The Existence of a Plan of Action to Achieve Permanency

### Criteria

- a. Filed case plan includes each parent and each child to the case and whether tasks or services are required.
- b. At a judicial review within 6 months of the child's removal, the court order finds that reunification is likely within 12 months or, if the court finds reunification is unlikely within 12 months and a concurrent plan is not already being used, the attorney motioned for the addition of a concurrent goal as outlined in section 39.701(2)(d)5., F.S. (2024).
- c. Incarcerated parent is incorporated throughout the legal case. This includes findings against the incarcerated parent in the adjudication order, filed case plan includes tasks for incarcerated parent and available services at the jail/prison to complete the tasks, and judicial review order reflects level of compliance with court-ordered tasks.
- d. Conditions for Return language used at judicial reviews as evidenced by court order.

### Findings

- Both SAO's and CLS's strengths are most attributable to including each parent and child in the case plan while indicating if tasks and services are required and Conditions for Return Language being used at Judicial Reviews as evidenced by court orders (100%).
- An area in which CLS and SAO could improve is confirming that at a judicial review within 6 months of the child's removal, the court order finds that reunification is likely within 12 months or, if the court finds reunification is unlikely within 12 months and a concurrent plan is not already being used, the attorney motioned for the addition of a concurrent goal (80%).

## Area 3: Timely Completion of CLS Legal Actions

### Criteria

- a. Dependency petition filed within 21 days of shelter pursuant to computation of time under Rules of Judicial Administration.
- b. Termination of Parental Rights petition filed within 60 days of goal change to adoption pursuant to computation of time under Rules of Judicial Administration.

### Findings

- The SAO received 100% in this area while CLS received an 80% for timely filed dependency Petitions.
- The SAO and CLS both received 100% for timely filed Termination of Parental Rights Petitions when required.

## Area 4: Timely Completion of Court Legal Actions

### Criteria

- a. Dependency adjudicatory hearing held in 30 days after arraignment if parent does not enter consent. If continued, court file reflects appropriate legal basis for continuance (i.e., diligent search, paternity issues, and service of process where the delay is not attributable to CLS).
- b. Initial Judicial Review held within 90 days of disposition or 6 months from removal from the home.
- c. Permanency Review held within 12 months of the child's removal from the home and every 12 months thereafter.

### Findings

- CLS's strength was most attributable to Permanency Review held within 12 months of the child's removal from the home and every 12 months thereafter (100%).
- An area in which CLS can improve was holding an Initial Judicial Review in 90 days of disposition or 6 months of removal (80%).
- The SAO performed well in this area for the cases that were reviewed (100%).

## Area 5: Notice and Right to Be Heard

### Criteria

- a. Caregivers were given adequate notice of hearings and an opportunity to provide meaningful input as evidenced by court orders.
- b. Court order reflects caregiver was given an opportunity to be heard or decided not to address the court. Any caregiver input form was filed with the court.
- c. Court order reflects child was present at hearings or the court made a best interest finding excusing their presence.

### Findings:

- The SAO performed well in this area (100%).
- CLS's strength was most attributable to the court order reflecting whether the child was present at court hearings or if the court made a best interest determination excusing their presence (100%).
- CLS can improve on providing caregivers notice and opportunity to participate at hearings (80%).

## Cost Efficiency

To determine cost efficiency of the services provided by the SAO, the Department has employed two methodologies below. The first methodology compares the costs of the current FY 2024-25 contract (or the annual operating budget in the case of the Department’s internal CLS unit) against the volume of legal services the SAO/Department provides as represented by the number of open cases that the SAO/Department is prosecuting at a point in time. The second methodology compares the costs of the FY 2023-24 contract/budget against the number of cases closed to permanency in FY 2023-24.

### Case Load Methodology

For FY 2024-25, the Department’s internal Children’s Legal Services Unit has an annual operating budget of \$62,014,142 not including the funds designated for the contract with the SAO. The contract between the Department and the SAO for FY 2024-25 is valued at \$4,881,311.

The cost per case (shown in table below) is calculated by dividing the operating budget for FY 2024-25 by the caseload size as of October 1, 2024, without taking into consideration any funding the SAO receives from sources outside the contract with the agency:

Agency	2024-25 Budget	Caseload	Cost per Case
CLS	\$62,014,142	12,144	\$5,106.57
SAO 6	\$4,881,311	1,035	\$4,716.24

### Case Closure Methodology

For FY 2023-24, the Department’s internal Children’s Legal Services Unit had an annual operating budget of \$55,463,479. The contract between the Department and the SAO for FY 2023-24 was valued at \$4,588,555.

The cost per case (shown in the table below) is calculated by dividing the operating budget for FY 2023-24 by the number of children on the contractor’s caseload who reached permanency through case closure in FY 2023-24 without taking into consideration any funding the SAO receives from sources outside the contract with the agency:

Agency	2023-24 Budget	Permanency	Cost per Child
CLS	\$55,463,479	10,250	\$5,411.07
SAO 6	\$4,588,555	1,372	\$3,344.43