

Multidisciplinary Legal Representation of Parents in Dependency Proceedings: Fiscal Year 2023-24

Report 24-09

November 2024



OPPAGA

Office of Program Policy Analysis and Government Accountability

Multidisciplinary Legal Representation of Parents in Dependency Proceedings: Fiscal Year 2023-24

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 cases. This report focuses on representation of parents in dependency cases.

The overall number of cases reported as served by the MLR programs increased, and three of the five RCs added staff. All five RCs began to receive federal Title IV-E funds in Fiscal Year 2023-24.

OPPAGA received case-level data from four of the five RCs on cases served with MLR in Fiscal Year 2023-24. Using this data, OPPAGA determined that children in out-of-home care whose parents were served by MLR programs have higher percentages of domestic violence as the reason for entry into care, but are similar to children of parents not served by MLR for other maltreatment types. OPPAGA also found that relative to a comparison group, children of parents that participated in MLR programs had higher rates of reunification and lower rates of adoption as a permanency type; however, the dependency cases of children with parents in MLR tended to take longer to achieve permanency. In next year's final report, OPPAGA will report the requested outcome measure related to subsequent child welfare investigations resulting in the removal of a child from their home.

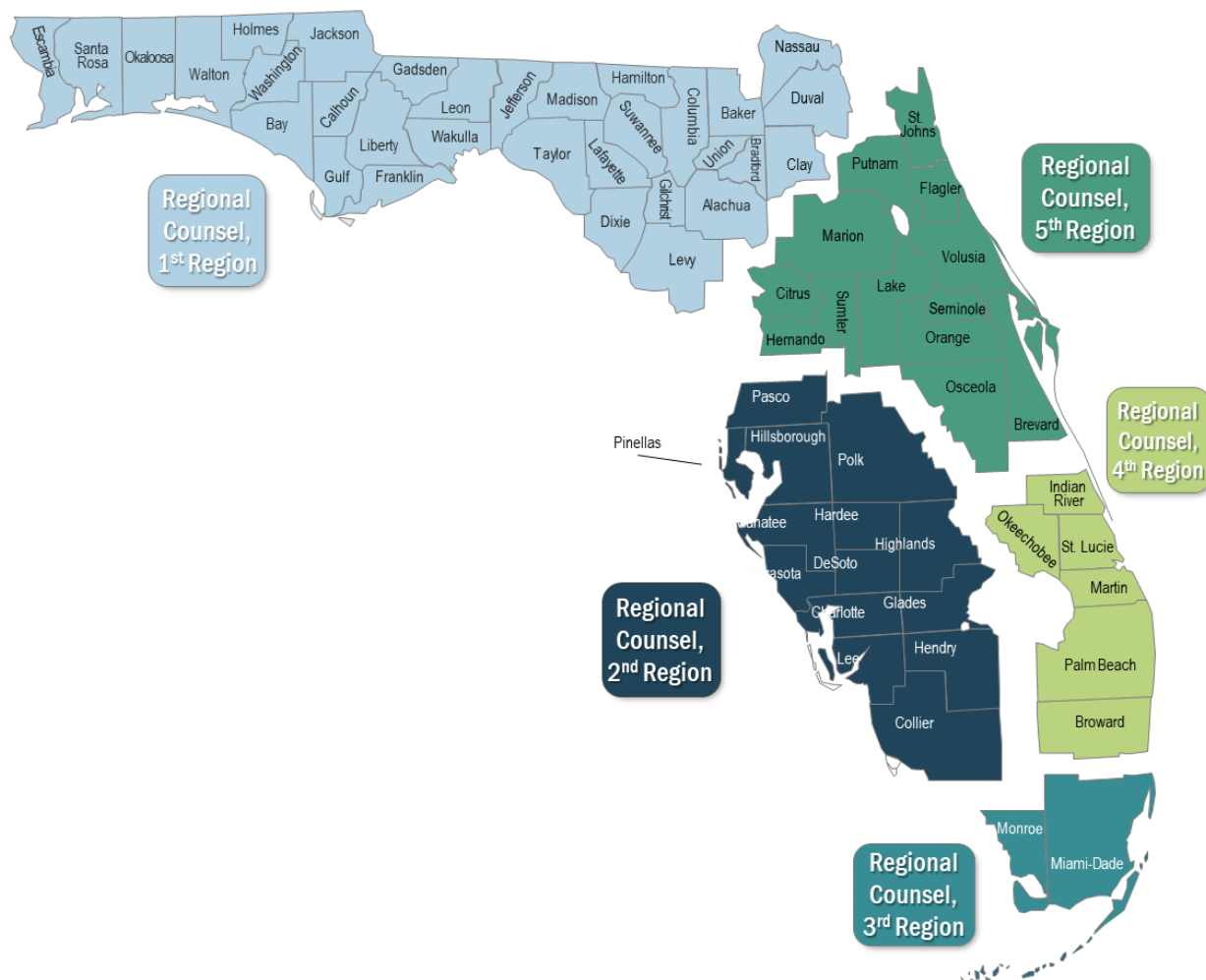
REPORT SCOPE

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 third report in the series of four reports.

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 RCs Serve Five Regions in the State



Source: Section 27.511, *F.S.*

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 cases. Dependency cases are civil cases based on allegations of abuse, abandonment, or neglect of a child. The Department of Children and Families (DCF) investigates the allegations and will remove the child from the home if they believe the child is at imminent risk of harm due to abuse, abandonment or neglect. Within 24 hours of removal, the court will conduct a shelter hearing to determine if the child will remain out of the parent’s custody or be returned home.² If the child remains sheltered, DCF will file a petition for

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 Parents have a right to counsel in dependency proceedings and parents who are unable to afford counsel must be appointed counsel.

dependency and at a hearing called an arraignment, the court reviews the petition and asks the parent to admit to the allegations, consent to a case plan without admitting the allegations, or deny the allegations. The case plan identifies the specific services necessary to resolve the issues alleged in the petition and alleviate the risks to the child. The DCF case manager coordinates services for the family and reports to the court on case plan progress. Parents receive services such as parenting classes, substance abuse evaluation, drug treatment, mental health services, and any other services necessary to achieve reunification. Children that have been removed from their home will be reunified when the court determines that the risks are alleviated and the child can return home safely. This finding is usually related to the parent's compliance with the case plan.

In 2021, the Legislature passed a bill to encourage the use of multidisciplinary legal representation in dependency cases. The Legislature found the use of multidisciplinary legal representation (MLR) effective in reducing safety risks to children and providing families with better outcomes.³ 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.

A multidisciplinary approach in dependency cases integrates social workers into legal representation to 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.

The 2021 legislation also directed OPPAGA to annually compile case data provided by the RCs 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. OPPAGA's 2022 report provided implementation 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 3.⁴ OPPAGA's 2023 report provided an update on implementation status and information from visits to all five RCs on the benefits the offices reported from using a multidisciplinary approach to parent representation.⁵ In this report, the third in the series of four reports, OPPAGA provides an update on staffing and the number of MLR cases. OPPAGA also analyzes the data provided by the RCs to compare outcomes for children of parents served by MLR to children of parents not served by MLR programs.

³ Section [39.4092](#), F.S.

⁴ *Review of Multidisciplinary Legal Representation of Parents in Dependency Proceedings*, OPPAGA Report [22-07](#), December 2022.

⁵ *Multidisciplinary Legal Representation of Parents in Dependency Proceedings: Fiscal Year 2022-23*, OPPAGA Report [23-11](#), November 2023.

FINDINGS

Implementation Update

The overall number of cases reported as served by MLR programs increased; RCs have also increased staff to collaborate with attorneys on these cases and have received federal funding for attorney expenses

During a two-year period, the overall number of reported MLR cases increased, as did the number of cases in two RCs. The number of total dependency cases served by MLR increased from 510 in Fiscal Year 2022-23 to 563 in Fiscal Year 2023-24. Two RCs experienced increases in cases during the same period. Specifically, the number of cases reported by RC 2 increased from 12 to 36, and the number of cases reported by RC 5 increased from 107 to 170. (See Exhibit 2.)

Exhibit 2

The Number of Cases With MLR Services Has Increased for Some RCs

Regional Counsel	Fiscal Year 2021-22	Fiscal Year 2022-23	Fiscal Year 2023-24
1	74	90	74
2	0	12	36
3	132 ¹	172	106
4	Did Not Report	129	177
5	Did Not Report	107	170
Total	206	510	563

Note: Data presented for RC4 represent the number of cases closed in Fiscal Years 2022-23 and 2023-24. Due to methodological and client confidentiality concerns stated in its response to OPPAGA's 2022 report, RC4 provided aggregated summary statistics of closed cases. Data presented for other RCs represent both open and closed cases in each fiscal year.

¹ The 132 cases reported for RC 3 for Fiscal Year 2021-22 is a correction from prior reports in which OPPAGA reported 159 cases. Additional data cleaning revealed 27 cases that should not have been included in the count.

Source: OPPAGA analysis of information provided by RCs.

Because there are not enough social workers to be assigned to all of the dependency cases handled by the RCs, regional counsel attorneys prioritize certain types of cases for MLR services. Some of the case or client characteristics considered included whether the client was in foster care; if the client was pregnant; if the client was a victim of domestic violence; or if the client had mental health issues or substance use disorders.

Three of the five RCs have increased multidisciplinary staff. To expand the use of MLR to more dependency cases, RCs 1, 3, and 5 have added staff since 2023. RC 1 increased its multidisciplinary staff the most, from 4 staff in 2023 to 11 in 2024. (See Exhibit 3.) The staff hired by the RCs have various college degrees and prior work experience to collaborate with attorneys in the representation of parents in dependency cases. Social services staff provide a wide array of services to clients and attorneys including helping clients understand the process, attending meetings and court hearings with clients, and helping clients access case plan services. 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, while forensic family advocates have a master's degree in a related field, such as family therapy. The RCs have also hired staff with bachelor's degrees in social work to serve as assistant forensic social workers.

Exhibit 3

RCs Employ Professional Social Services Staff to Partner With Attorneys

Regional Counsel	Multidisciplinary Staff 2023	Multidisciplinary Staff 2024
1	4 1 forensic social worker 3 forensic family advocates	11 4 forensic social workers 7 forensic family advocates
2	1 1 assistant forensic social worker	1 1 assistant forensic social worker
3	5 2 forensic social workers 1 forensic social worker supervisor 2 parent peer advocates	6 2 forensic social workers 1 assistant forensic social worker 3 parent peer advocates
4	9 5 forensic social workers 1 assistant forensic social worker 1 forensic family advocate 1 parent peer advocate 1 social services director ¹	9 5 forensic social workers 1 assistant forensic social worker 1 forensic family advocate 1 parent peer advocate 1 social services director ¹
5	6 4 forensic social workers 1 forensic family advocate 1 social services director ¹	7 5 forensic social workers 1 forensic family advocate 1 social services director ¹

¹ The social services director position is shared between RC 4 and RC 5.

Source: OPPAGA analysis of information from the RCs.

In Fiscal Year 2023-24, each regional counsel received funding through the federal Title IV-E program to reimburse some of the cost of attorneys representing parents. 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 only available to help pay for attorneys representing child welfare agencies.

In 2021, the Legislature directed the Department of Children and Families to execute the necessary agreements to ensure that the RCs could access these federal matching funds.⁶ All of the RCs entered into required interagency agreements with DCF, and began submitting invoices to the department for services provided. The RCs did not immediately receive funds after submitting the invoices because DCF had to get approval of a cost allocation plan from the federal government. The department submitted amendments to the state’s Public Assistance Cost Allocation Plan in September 2021. Just before publication of OPPAGA’s 2023 report, the department received federal approval of the plan and was able to begin distributing the funds to the RCs. The total amount of Title IV-E funds received by the RCs through September 2024 is approximately \$10 million. RC2 and RC5 plan to use IV-E funds to add staff this year if possible.

⁶ Section [39.4092\(3\)\(a\)](#), F.S.

Outcomes

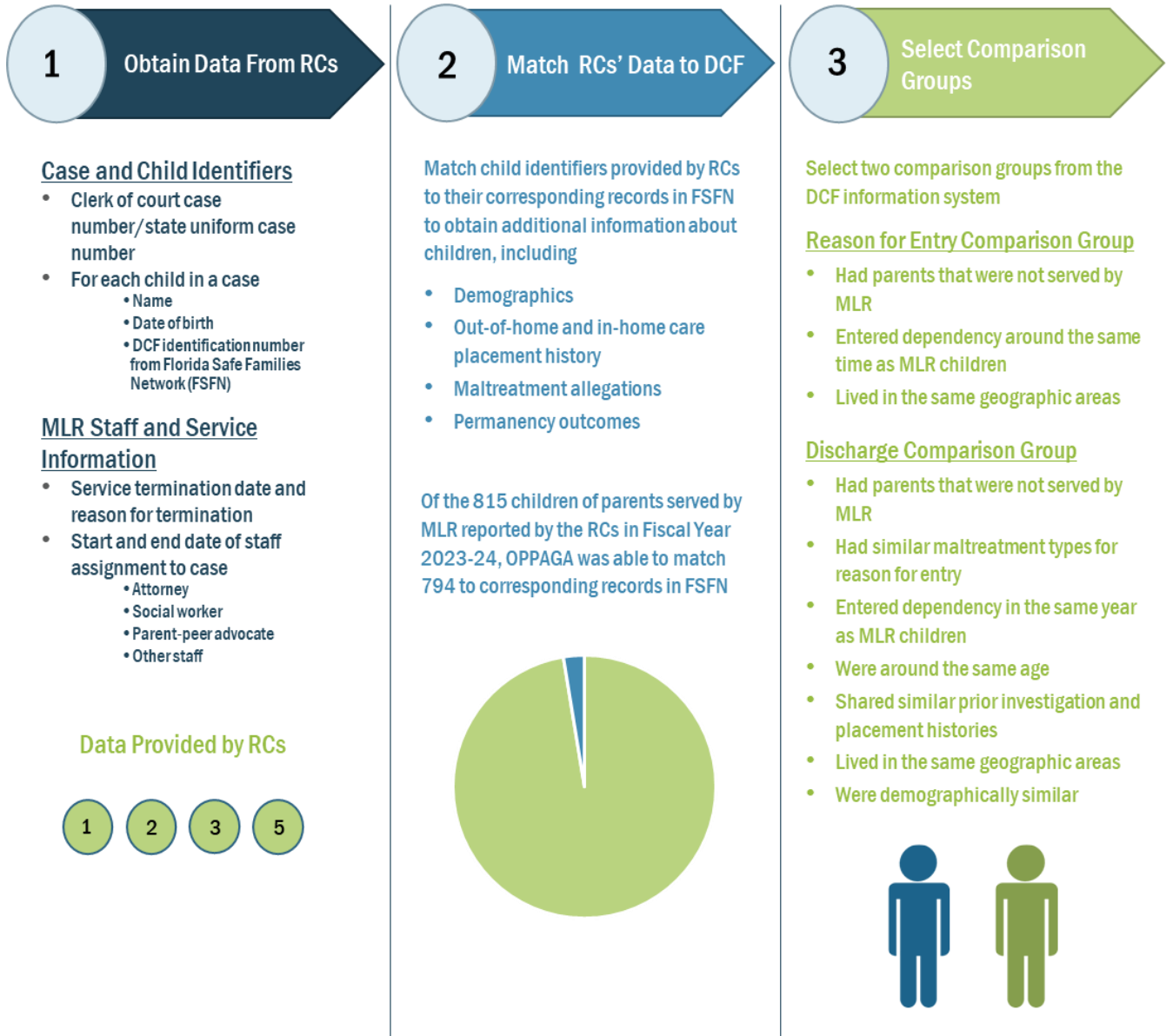
The Legislature directed OPPAGA to compare outcomes for children whose parents were served by an MLR program to outcomes for children whose parents were not served by MLR. The four outcomes that OPPAGA was asked to examine were the

- reasons the family became involved in the dependency system;
- length of time it takes to achieve a permanency goal;
- frequency of each type of permanency goal achieved; and
- rate of subsequent abuse or neglect which results in removal.

To compare outcomes for children in these two groups, OPPAGA used several steps. These steps included requesting and receiving data from the RCs about clients receiving MLR services; matching MLR clients' child dependency cases to child records in DCF's information system—Florida Safe Families Network—to obtain additional information about cases and outcomes; and selecting a similar comparison group of cases where parents did not receive MLR services. Thus, OPPAGA attempted to account for several key factors which could contribute to differences in outcomes between the MLR group of cases and the comparison group. (See Exhibit 4.)

Exhibit 4

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



Source: OPPAGA analysis.

Children in out-of-home care whose parents were served by an MLR program have higher percentages of domestic violence as the reason for entry into care compared to children not served by an MLR program; outcomes were similar for other maltreatment types. To address the first measure specified in statute—the reasons the family became involved in the dependency system—OPPAGA analyzed DCF 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 in out-of-home care whose parents were served by MLR had higher rates of domestic violence as alleged maltreatments associated with their entry into care. For example, 34% of children in out-of-home care whose parents were served by MLR entered care due to domestic violence, compared to only 26% of children in the comparison

group. The percentages of children entering care due to substance abuse are similar for both groups: 49% for the MLR group and 53% for the comparison group. (See Exhibit 5.)

Exhibit 5

Children in Out-of-Home Care Whose Parents Were Served by MLR Have Higher Percentages of Alleged Maltreatments Involving Domestic Violence as the Reason for Entry Into Care^{1,2,3}

Alleged Maltreatment Type	Out-of-Home Care		In-Home Care ⁴	
	Percentage of Children of Parents Served by MLR	Percentage of Children In Comparison Group	Percentage of Children of Parents Served by MLR	Percentage of Children In Comparison Group
Substance abuse	49%	53%	46%	44%
Neglect	49%	48%	36%	38%
Domestic violence	34%	26%	30%	40%
Environmental hazards	24%	21%	14%	14%
Physical abuse	16%	14%	19%	16%

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

² 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.

³ Other alleged maltreatment groupings not shown in this exhibit include sexual abuse, mental injury, abandonment, and threatened harm.

⁴ Caution should be used when comparing groups in in-home care due to the small number of children in in-home care served by MLR in this analysis (135).

Source: OPPAGA analysis of data from RCs 1, 2, 3, and 5 and DCF.

Children of parents served by MLR are more likely to achieve permanency through reunification and less likely to be adopted. Compared to children whose parents were not served by an MLR program, children of parents served by MLR were more likely to have reunification as the type of permanency achieved within two years of entering out-of-home care. For example, 78% of the MLR group who achieved permanency were reunified compared to 63% of the comparison group. Conversely, in the non-MLR group, 19% of the children achieved permanency through adoption compared to 8% in the MLR group. (See Exhibit 6.)

Exhibit 6

Children of Parents Served by MLR Are More Likely to Achieve Permanency Through Reunification

Permanency Goal Achieved	Children of Parents Served by MLR Program	Children in Comparison Group
Reunification	78%	63%
Adoption	8%	19%
Guardianship	14%	18%

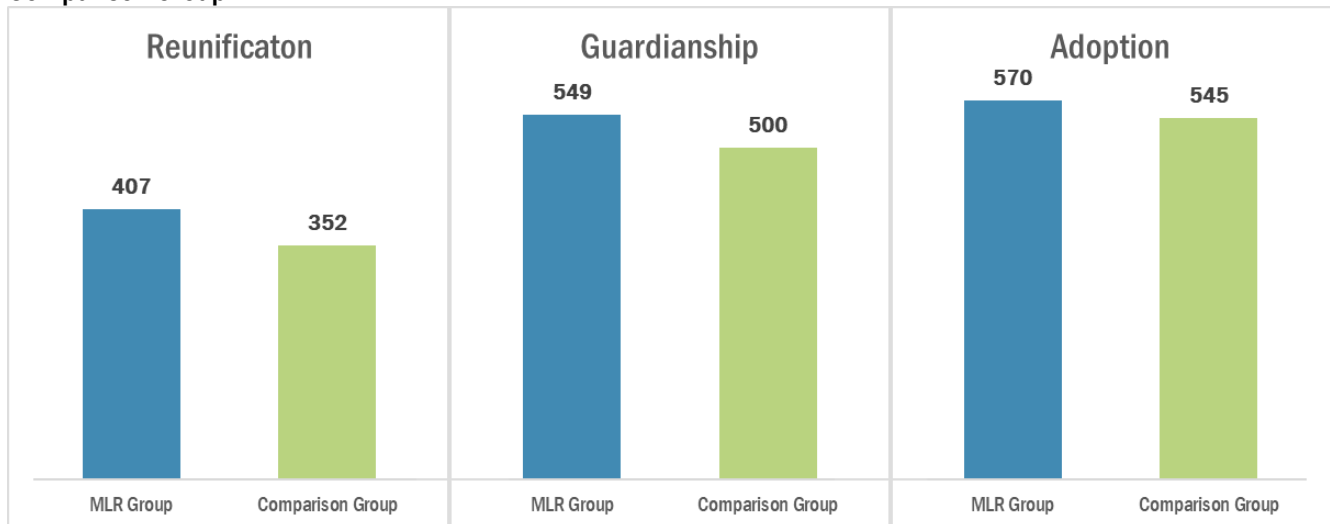
¹ Within two years of entering out-of-home care, 39% of children served by MLR and 41% of comparison group children achieved permanency. This table presents the type of permanency achieved by these children.

Source: OPPAGA analysis of data from RCs 1, 2, 3, and 5 and DCF.

It took longer, on average, for children whose parents were served by MLR to achieve permanency. Specifically, among children achieving permanency within two years of entering out-of-home care, the time to reunification for children in the comparison group was 352 days, while the time to reunification for children of parents served by MLR was 407 days, 55 days longer. (See Exhibit 7.) However, for both groups, adoption took the longest time, followed by guardianship and reunification.

Exhibit 7

The Average Number of Days to Permanency for Children Whose Parents Were Served by MLR Was Longer Than the Comparison Group



¹ Within two years of entering out-of-home care, 39% of children served by MLR and 41% of comparison group children achieved permanency. This table presents the type of permanency achieved by these children.

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

In summary, relative to the comparison group, children of parents that participated in MLR programs had higher rates of reunification and lower rates of adoption as a permanency type. However, the dependency cases of children with parents in MLR tended to take longer to achieve permanency.

Future OPPAGA analysis will update data on the time to achieve permanency goals and the frequency of each permanency type; OPPAGA will also examine the rate of subsequent abuse or neglect post reunification

As of July 2024, 46% of children who had a parent participate in a multidisciplinary legal representation program from Fiscal Year 2020-21 through Fiscal Year 2023-24 were discharged from DCF custody. For the other 54% 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 is based on those cases that closed quickly and were more likely to have closed as reunifications. OPPAGA would expect that as the children with open cases achieve permanency, the measure of average length of time to permanency would naturally increase because, by definition, the cases have been open longer.

In next year's final report of the series, OPPAGA will examine the remaining final statutory outcome measure related to subsequent investigations resulting in a removal. OPPAGA will analyze cases in which at least one year has passed since discharge from the child welfare system to determine what percentage of the MLR and comparison groups experienced subsequent removals. In this year's review, 27% of the MLR served population met the criteria of being discharged for at least one year.

AGENCY RESPONSES

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

- ❑ **ESCAMBIA**
Post Office Box 12273
Pensacola, Florida 32591
850-595-4070
- ❑ **OKALOOSA - NORTH**
1455 S. Fendon Blvd., Suite C1
Crestview, Florida 32539
850-683-7530
- ❑ **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
850-892-1042

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
904-529-1050
- ❑ **DUVAL**
1 West Adams Street, Suite 200
Jacksonville, Florida 32202
904-301-1112
- ❑ **NASSAU**
463251 State Road 200, Highway A1A
Yulee, Florida 32097
904-225-9737

EIGHTH CIRCUIT

- ❑ **ALACHUA**
235 S. Main Street, Suite 205
Gainesville, Florida 32601
352-377-0567
- ❑ **BAKER**
Post Office Box 1349
Macclenny, Florida 32063
904-712-2030

FOURTEENTH CIRCUIT

- ❑ **BAY**
1520 Jenks Avenue
Panama City, Florida 32045
850-767-3330
- ❑ **JACKSON**
Post Office Box 509
Marianna, Florida 32447
850-482-9922

November 20, 2024

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

Dear Ms. Collins-Gomez:

Thank you for the opportunity to review the Multidisciplinary Legal Representation of Parents in Dependency Proceedings: Fiscal Year 2023-24 report. Please consider this the Office of Criminal Conflict and Civil Regional Counsel, 1st Region's (OCCRC1) official response in accordance with S. 11.51(2), Florida Statutes.

The report provides an accurate depiction of the success of this young program during its implementation phase. The findings accurately highlight improved outcomes for families and the notable increase in reunification rates.

Not able to be fully reflected in the report is the notable rise in the dismissal of shelter petitions since the implementation of Multidisciplinary Legal Representation (MLR), further safeguarding the rights of our clients and their families. Many cases that are dismissed at shelter do not result in a formal case. If "pre-petition" representation were authorized by statute, MLR could be fully utilized to help prevent families from entering the dependency system therefore saving the people of the State of Florida a considerable amount of money.

We are confident that these numbers will continue to improve as the program becomes more robust. MLR can and should continue to improve with the enhancement of funding and policy changes. Title IV-e funding is essential to the program's success and delays in receiving this funding in turn results in the delays of improving MLR.

Furthermore, the Regional Councils are not given access to FSN which is a handicap for our internal data keeping. Access to FSN would not only help

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assist in data collection but would help improve the outcomes for the families we serve. It would avoid delays in court processes and help clarify where needs can be met.

OPPAGA reports differences in maltreatment types, and we cannot confirm nor deny the accuracy of this report. As these are part of the FSFN reports, we do not have access to the Department of Children and Families (DCF) maltreatment types in cases. While it may be reported that “domestic violence” is the most common reported type of reason for entry into care, we serve clients with many different needs and do not necessarily see domestic violence as the most common maltreatment type.

To improve MLR, we strongly suggest that legislative changes be made to allow the Regional Counsels to have access to FSFN for the clients we serve. We also agree with past suggestions from OPPAGA regarding removing the requirement for Parent Peer Specialists as part of the MLR team. While they are effective and utilized when possible, mandating this is impractical particularly in the 32 counties of Region 1. Finally, statutorily authorizing “pre-petition” representation would greatly improve the use of MLR and result in even more cost savings to the state.

Thank you for allowing us to provide this feedback. We look forward to continued success of MLR and working with OPPAGA and efficiency suggestions.

Sincerely,



Candice K. Brower
Regional Counsel, 1st Region

Defending you, protecting your family, preserving your rights.

STATE OF FLORIDA
OFFICE OF CRIMINAL CONFLICT
AND CIVIL REGIONAL COUNSEL
FOURTH DISTRICT



ANTONY P. RYAN,
REGIONAL COUNSEL

Palm Beach County Broward County Indian River County Martin County Okeechobee County St. Lucie County

November 26, 2024

Kara Collins-Gomez, Coordinator
Office of Program Policy Analysis and Government Accountability (OPPAGA)
111 West Madison Street, Room 312
Tallahassee, FL 32399

Re: Multidisciplinary Legal Representation for Parents in Child Welfare/Dependency Proceedings

Dear Ms. Collins-Gomez:

As stated in RC4's Agency Response letter to OPPAGA's 2024 report, RC4 is proud to be the forerunner in Florida for incorporating multidisciplinary representation into the legal representation this agency provides to indigent parents in dependency and termination of parental rights proceedings, and we were pleased that much of what we had reported and circulated to Legislative members and staff (in an executive summary of our social services program) prior to session in 2021 became codified as a part of the "Legislative Findings" of section 39.4092, one of the many amendments made to Chapter 39 that year. (Indeed, we were pleased to see our program was cited in the bill analysis for HB 7039/SB 96). RC4's organizational experience in having implemented, albeit on a limited scale, a Social Services Unit in 2013, supports the legislative finding of 39.4092(1)(a) that the use of a multidisciplinary legal representation model "is effective in reducing safety risks to children and providing families with better outcomes, such as significantly reducing the time the children spend in out-of-home care and achieving permanency more quickly."

As we have also previously expressed, RC4 wholeheartedly embraces the multidisciplinary approach and would offer every parent we represent multidisciplinary service if we had the resources (*i.e.*, funding for enough social services staff members) to do so. Yet, while we were hopeful that drawing down the IV-E partial reimbursement funds made available by a change in federal policy (which change RC4 timely made both the Legislature and DCF aware of) would enable RC4 to expand its Social Services Unit, expansion has not yet been possible. The reasons for this are multifactorial and are related to RC4's overall budgetary structure (and are explained in detail in RC4's Legislative Budget Requests), but, suffice it say, RC4 will expand its unit when it has the overall budgetary capacity to do so. We would also note, as we did previously, that RC4 will continue to seek direct funding, through the LBR process, from the Legislature to expand its program as the IV-E funding stream -- even if some of the issues in drawing down the funding and in being able to fully utilize the funds which are received become resolved -- will allow only a partial expansion of the program.

401 S. Dixie Highway, 2nd Floor, West Palm Beach, FL 33401
Phone (561) 837-5156 – Fax (561) 837-5423
~ WWW.RC-4.COM ~



RC4's Agency Response Letter, Page 2 of 2

We thank Lauri Scott and Jim Clarke and the team at OPPAGA who prepared this year's report for their professionalism, and we are grateful that the report notes that RC4, while maintaining its fairness and confidentiality concerns as to data collection, reported data in each of the last two fiscal years. The data were based on 129 clients of RC4 served by RC4's Social Services Unit whose cases closed in FY2022-23 and 177 clients whose cases closed in FY 2023-24. The data reflect measures important to RC4 in assessing programmatic goals, the qualitative experience of the client, and cases outcomes. Some of the data points shared included: the timing and procedural posture of a case when SSU became assigned; the specific types of service actions taken by the SSU member during the case; and, at case closing, the specific types of possible case outcomes along with the child(ren)'s residential status. If there are members or staff of the Legislature, or any other child welfare stakeholders or interested individuals or groups, who may wish to see the data, RC4 will be happy to share a copy of these summaries.

Thank you, again, for the work of Ms. Scott and Dr. Clark's team on this subject and for the important work OPPAGA performs in this policy area.

Sincerely,

/s/ A P Ryan

Antony P. Ryan, Esq.
Regional Counsel/Director "RC4"
Office of Criminal Conflict and Civil Regional Counsel, 4th DCA Region



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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OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475).

Project supervised by Jim Clark (850/717-0575)
Project conducted by Laurie Scott (850/717-0566) and Anne Cooper
Kara Collins-Gomez, Coordinator