

Assessment of Prevention Services



FLORIDA NETWORK OF YOUTH AND FAMILY SERVICES

Researched and submitted by



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EXECUTIVE SUMMARY

The family institution perseveres as a preeminent bellwether of the health and welfare of American society. When families face difficulties, their neighborhoods, communities and governments absorb many of the aftershocks extending from those difficulties. Certainly, Florida state government offers several avenues of assistance to troubled youth and their families. In this study, Florida TaxWatch evaluates the track record of one such program: the services provided by the Florida Network of Youth and Families (the Network). The Network - a not-for-profit, statewide association consisting of 24 agencies at 34 sites statewide - provides juvenile crime prevention program services under contract with the Florida Department of Juvenile Justice (DJJ.)

To establish the context in which the Network's services are evaluated, the study first summarizes the Network's history; its organization; the services it offers to at-risk youth and their families; and information about the youth and families it serves. The study also reviews:

1. the context in which DJJ, as contract manager, tracks, measures and rates Network performance;
2. the continuum of DJJ services extending from prevention through intake (law enforcement, secure detention and juvenile court), diversion and intervention (community control and aftercare;) and, commitment;
3. the steps taken by DJJ, in its effort to more effectively blunt the jagged edge of youth crime, to optimally invest its resources along the services continuum.

Clearly, DJJ has to provide more intensive services to at-risk children not prevented from breaking the law; therefore, DJJ is directly impacted by costs avoided by the Network's prevention services.

Florida TaxWatch also reviews an Orange County, California report on juvenile crime that is highly touted by DJJ. Entitled *The 8% Solution*, the report asserts that eight percent (8%) of Orange County youthful offenders commit 55% of the juvenile crime, and this "8%" can be identified after one or two referrals to law enforcement. Generally, these youth are 15 years or younger and have difficulties in at least three risk domains, which include family, school, substance abuse, and antisocial behavior. Florida TaxWatch assesses how many the children served by the Network match *The 8% Solution* and the extent to which the study is relevant to juvenile crime in Florida.

From a DJJ opportunity-cost perspective, Florida TaxWatch comparatively evaluates the annual costs per child served by both the Network and DJJ and the potential cost savings resulting from Network services provided to Florida's troubled youth and families.

The study concludes that the Network is constructively assisting troubled youth and their families and that the services they provide are cost-effective and overall positively affecting the state of Florida.

I. INTRODUCTION

Florida TaxWatch is pleased to present the Florida Network of Youth and Family Services (Florida Network) with an assessment of programs, activities and services provided by the member agencies of the Florida Network as well as the Florida Department of Juvenile Justice and other agencies. Additionally, this study assesses the benefit of providing prevention and early intervention services to children at-risk of delinquency through the existing service system of Florida Network member agencies and the state's juvenile justice system.

These at-risk youth and their families - "Children and Families In Need of Services" (CINS/ FINS) - are entitled to publicly funded services, and Chapter 984, Florida Statutes, defines CINS/FINS, the CINS/FINS service delivery system, and the state's responsibility to CINS/FINS. Chapter 984, F.S., is presented in Appendix A of this document.

This report uses the most available data from the most relevant players in Florida's CINS/FINS service continuum. The most recent budgetary and client data relating to the Florida Network dates to FY 1999-00. FY 2000-01 is the first year the Florida Network recorded risk factors in children served by their member agencies; therefore, a "snapshot" of risk factors in children served on a single day in FY 2000-01 is presented to illustrate risk factors in children served by Network agencies. Because a lag time - six to 12 months - needs to occur to calculate "recidivism" (which for prevention programs means diversion from entering the DJJ system,) this report reviews FY 1998-99 figures regarding performance outcomes of both private prevention program providers and DJJ. As for costs of crime prevention and intervention, this analysis uses a DJJ report that assesses the fiscal impact of juvenile crime, and they use FY 97-98 data.

II. PRESENTATION OF FLORIDA NETWORK

The **Florida Network of Youth and Family Services, Inc. ("Florida Network")** is a not-for-profit statewide association of agencies that serve runaway, truant, ungovernable and other troubled youth and their families. A network of program sites, established in every county and nearly every community in the state, operates 24 hours a day, 365 days a year.

A. STATUTES DEFINING AT-RISK CHILDREN, YOUTH AND THEIR FAMILIES¹

The Florida Network screens children to determine whether or not they need services. Section 984.03 (9), Florida Statutes, defines these children:

"Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior...

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 232.17 and 232.19...

(c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior...

Section 984.03 (25) defines "Families in Need of Services:"

"Family in need of services" means a family that has a child who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the Department of Juvenile Justice, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the Department of Juvenile Justice or the Department of Children and Family Services due to an adjudication of dependency or delinquency.

A. HISTORY OF FLORIDA NETWORK

For over twenty years, the Florida Network member agencies have served at-risk youth and their families. These agencies are listed in Appendix B of this report. The following chronology gives a brief history of the formation, development and expansion of the Florida Network.

- 1974:** Congress passes the Runaway and Homeless Youth Act, funding six Florida shelters.
- 1976:** Shelters incorporate to form a network.
- 1981:** The Florida Legislature agrees to fund runaway shelters.
- 1983:** The Florida Legislature passes the *Florida Runaway Youth and Family Act*.
- 1985:** The Florida Network establishes an office in Tallahassee.
- 1987:** The Florida Legislature passes Ch. 984, F.S., *Children and Families in Need of Services*. This statute mandates the provision of core services outlined in the following section. Prior to this statute's creation, families in need of such services were ineligible for state assistance with their children until the child was arrested or they were forced to abandon their child.
- 1988:** Florida Network Board of Trustees is founded to assist with private fund-raising.
- 1989:** Runaway Hotline, a key program of the Florida Network, is established. It offers toll-free access to youth services anywhere in the state. The only statewide hotline for runaways, it is staffed 24 hours a day, 365 days a year, by counselors at Family Resources in St. Petersburg, Florida.
- 1990:** Nine shelters are built or renovated. Also, the Florida Network acquires the Blodgett House in Daytona Beach, an important historic structure. Once restored, the house becomes a counseling center and offers job training for young people in Volusia, St. Johns and Flagler counties. Its restoration is funded through state grants. In addition, the General Mills Foundation also supported its renovation in the early stages.
- 1991:** Services to CINS/FINS clients is privatized - with Florida Network as a core services provider. *Runaway with Words*, a Florida Network-sponsored creative writing program, provides at-risk teens with vital experiences in self-expression. Available to all member agencies, *Runaway With Words* and their shelter counselors take classes with poets in their own communities. Sponsored by the Florida Arts Council, Division of Cultural Affairs, Florida Department of State, *Runaway With Words* is one of four programs nationally to be represented in Arts Corps, a pilot project sponsored by the National Endowment for the Arts.
- 1994:** CINS/FINS services moves from the Florida Department of Health and Rehabilitative Services to Department of Juvenile Justice. *Youth and Family Alternatives - Cornerstone Youth Shelter* opens in Polk County
- 1995:** The Florida Network launches the *Youth and Family Foundation of Florida* as a fund-raising arm and a framework for the various public-private partnerships serving youth.
- 1996:** Funding is approved for two new shelters in St. Johns County and Columbia County.
- 1997:** Lutheran Ministries of Florida Gulf Coast Region - Okaloosa Shelter is established. The Parent Hotline begins operation.
- 2000:** Family Resources, a shelter, starts serving the community in Manatee County.
- 2001:** Youth and Family Alternatives shelter in Brooksville joins the Florida Network.

B. CURRENT STATUS

The Florida Network's member agencies (24 agencies and 34 sites, of which two are non-residential only) offer services designed to prevent juvenile delinquency and child abuse by strengthening youth and families and to keep these children from entering more costly care and custody. Currently, all youth ages 10 - 18 and their families who meet the definition of CINS/FINS, after being screened by Florida Network staff, are served statewide through the CINS/FINS programs. This system provides residential and non-residential services to youth and families on a voluntary basis - 24 hours a day, 365 days a week. The Florida Network reports that the income of the caregiver of each child is given substantial consideration at intake, and a significant number of services are delivered at no cost to the youth or family. Florida Network staff further state that at least one-third of the children served are Medicaid-eligible. The following section details the services available through Network agencies.

1. Main Services in the Service Continuum

The Florida Network and their member agencies provide services in the following main areas of the care continuum, which are also described in Chapter 984, Florida Statutes:

(1) Centralized Intake functions as the initial entry into the service continuum and includes youth and/or family assessment and intervention. Counseling aims to stabilize the family in crisis and to determine what, if any, additional treatment is needed. Additionally, counselors are responsible for networking with other agencies that can meet other needs of the families (e.g., substance abuse, job development, mental health, etc.) and ensure that these needed services are made available to the youth and/or family.

(2) Prevention/Outreach Services increase public awareness of the needs of troubled youth at risk of running away, being habitually truant or being beyond the control of their parents or guardians. Activities focus on children and families experiencing these problems and also target the community at large.

(3) Non-Residential Services provide intensive family intervention to keep families intact and to minimize out-of-home placements. These services include individual and/or group and/or family counseling, follow-up services, and referrals. It is intended to minimize the subsequent involvement of youth in the formal juvenile justice system.

(4) Temporary Shelter provides staff-secure shelter; meals; and individual, family and group counseling to all children. Case management is provided to all residential clients to ensure a timely return home and a smooth transition into school and other activities.

(5) The Staff-Secure CINS Program (SSCP) is a specialized residential treatment program for adjudicated, committed youth who are chronic runaways and lockouts. Along with residential treatment, services also include comprehensive youth/family assessment, service plan development and delivery, youth and family development, and aftercare.

(6) The Physically Secure Program serves as the last resort for CINS-adjudicated youth who continue to exhibit dangerous and/or criminal behavior despite previous prevention services and court intervention. In a secure, locked setting, the following services occur: comprehensive youth/family assessment, individual and group counseling, and case management.

Other services provided by Florida Network include advocacy for youth, public policy development, public education, data collection and research, and training and technical assistance and promoting policies and practices that hold member agencies accountable for preventing delinquency and child abuse through the strengthening of youth and families.

2. Summary of Florida Network's Funding²

In 1999-2000, the Florida Network received \$37 million in state and federal funding to run its programs, with 85% of those monies coming from DJJ. The \$31 million in those funds represented 5% of the department's total operating budget.

State Funding:

DJJ Contract:	\$31,329,314
Local Schools:	\$677,297
Other:	<u>\$2,401,211</u>
SUBTOTAL:	\$34,407,822

Federal Funding:	
Medicaid:	\$7,452
National School Lunch:	\$111,959
Other:	<u>\$2,496,909</u>
SUBTOTAL:	\$2,616,320
TOTAL FUNDING:	\$37,024,142

3. Summary of Actual FY 1999-2000 Services Provided

In FY 1999-2000, member agencies of the Florida Network delivered the greatest number of services to the highest number of children and families in its history. Network member agencies gave presentations about their services to approximately 45,000 families, community leaders and children. The parents' hotline (1-888-4-1Family) took over 2,500 calls, while the runaway hotline (1-800-RUNAWAY) received over 1,500. From the "1999-2000 Data Profile" compiled by the Florida Network, the following numbers of other services are reported:3

Counseling/Therapy	44,341
Basic Support Services	24,732
Life Skills Training	37,689
Phone Services	15,103
Recreational Activities	8,882
Youth Education	6,207
Alcohol and Drug Prevention	4,786
Health Care	1,931
Area Services	1,453
Support Groups	776
Legal Services	445
Alternative Housing	423
Employment	326
Case Management	404
TOTAL	147,134

The sum of this number and the number of calls to the two hotlines produce a total of services provided that exceeds 150,000.

III. ANALYSIS OF COSTS & BENEFITS OF FLORIDA NETWORK ACTIVITIES

A. RISK FACTOR ANALYSIS

1.The 8% Solution: An Alternative Approach to Juvenile Delinquency Prevention

An emerging alternative to curbing juvenile crime is illustrated in *The 8% Solution*, by Michael Schumacher and Gwen Kurz. Getting much scrutiny and support, this approach relies on early screening of first-time offenders for various risk factors that

heighten the possibility that they will become chronic offenders. The authors, two employees of the Orange County California Probation Department, set forth a model to confront juvenile delinquency in their locale. They profiled probationers in 1985, and in 1987, they found that 8% of juvenile offenders committed 55% of juvenile crime. They contend that this 8% can be identified the first time they get arrested. The authors based their longitudinal study on seven years of research of 6,400 youthful offenders in Orange County.

The authors assert that children who offend at an early age (15 years or younger) and present risk factors in at least three domains are most at-risk and can be regarded as potential candidates for habitual juvenile delinquency.⁵

▶ *Disrupted Families*: The authors "identified 'disrupted families' as a key predictor, if not the single most important predictor, of chronic juvenile crime Eight percent parents have little, if any, positive influence on their children's behavior."⁶

▶ *School Failure*: "... the majority of 8% kids are still in school when we first come into contact with them Most, however, are doing poorly academically, frequently truant, or on suspension for consistently bad behavior. Many have undiagnosed learning disabilities."⁷

▶ *Drug and Alcohol Abuse*: "These 8% potential youth are on the road to becoming regular users and abusers."⁸

▶ *Predelinquent Behaviors (Gang Ties, Running Away, and Stealing)*: The authors confirm the widely held theory that these behaviors are highly associated with later delinquency and serious chronic offending. Their research found that most of the 8% youth did not belong to a gang, but they did associate with gang members. Meanwhile, chronic runaway behavior, while not predominant in 8% youth, tended to indicate serious abuse and neglect. Stealing was also more of an indicator that something was wrong at home.

This theory and the authors' proposed solution have received much attention and praise, particularly from California's decision-makers. Florida's DJJ has also reviewed *The 8% Solution*. The findings merit further study - particularly independent analysis - and may prove to be a widespread and successful approach to confronting juvenile crime. More comprehensive research will be critical to establish the total or partial validity or invalidity of this approach.

One caution before embracing this assertion in Florida or in the nation is the tendency to assume that what works in a heavily urban county in California is going to work in every other geographic area. Such an assumption is an example of the ecological fallacy: making conclusions about individuals based only on analyses of group data.⁹ Another caution is over-reliance on the presence of factors in three of the above domains, when even the researchers state numerous times that disturbances in the family are the single-most primary indicator. It is possible that the seriousness and duration of one, or more, risk factor(s) can actually cause a youth to be more at-risk of delinquency than a child who exhibits three less severe or less entrenched risk factors. For example, prolonged abuse alone can potentially wreak more havoc than failing grades and associating with poorly behaving youth while being raised by one caretaker.

2. Florida Network's CINS/FINS Screening Process

Many of the youth screened by member agencies during the central intake process are referred to Florida Network by various sources:¹⁰

- ◆ Law enforcement
- ◆ Families
- ◆ Schools
- ◆ Juvenile justice authorities
- ◆ Self-referral

An integral part of the Network's screening of a child is a risk factor survey (see Appendix C) that assesses the presence of certain conditions that place a child at risk of delinquent behavior and match the CINS statutory definition, s. 984.03 (9), F.S. (See section II A "Statutes Defining Children in Need of Services".) If youth are found to be truant, runaway or ungovernable, they are referred for services, and the more critical cases are expedited. Similar to those discussed in *The 8% Solution*, the risk factors on the survey are grouped according to the following domains, or groups:

- ◆ Community (unemployed caretakers, youth witnessed a violent crime, lack of community involvement)
- ◆ School (truancy, suspension, expulsion, academic failure; drop-out)
- ◆ Family (abuse/neglect, foster care, inadequate supervision, runaway, caretaker's imprisonment or substance abuse)
- ◆ Individual (substance abuse; antisocial behavior; prior delinquent adjudications; gang involvement; mental health - admission to crisis stabilization unit, suicide issues, medication)

3. Florida Network's Adherence to CINS/FINS Statutory Definitions

Chapter 984, Florida Statutes, lays out a broad definition for Children in Need of Services/Families in Need of Services, particularly the latter. While truant and runaway behavior are more evident, the concept of ungovernability is much more subjective and open. Thus, this definition makes services reasonably available, as long as the child is referred by a judge, law-enforcement, the school system, families, himself or some other viable community institution.

Most of the children and families served by Florida Network meet the eligibility criteria outlined in the subsection that defines "Family in Need of Services" (see page two of this report.) Like FINS, the CINS definition requires truancy, runaway behavior and/or ungovernability, but CINS further requires a court order for prevention services. Naturally, far fewer children get to that point before some other entity or individual refers them for services. All data suggest that the children served by the Florida Network and its member agencies exhibit behaviors or problems associated with truancy, running away and/or ungovernability. The problem behaviors of the children served by the Florida Network are discussed further in the next section.

Both CINS and FINS definitions clearly state that the following conditions make a child ineligible for services:

- ◆ *"pending investigation into an allegation or suspicion of abuse, neglect or abandonment;"*
- ◆ *"pending referral alleging the child is delinquent;"*
- ◆ *"current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency."*

No data generated by the Network indicate that they served any youth who had a pending investigation for abuse, neglect or abandonment or that any children were currently under the supervision of the Department of Children and Family Services. However, if a child protection investigation verifies that a child was abused prior to their admission to a Network agency, the child can remain in the shelter until a more permanent placement is found. As for delinquency, there is an indication that certain Florida Network agencies served children in DJJ's supervision and/or youth who had a pending referral for delinquency.

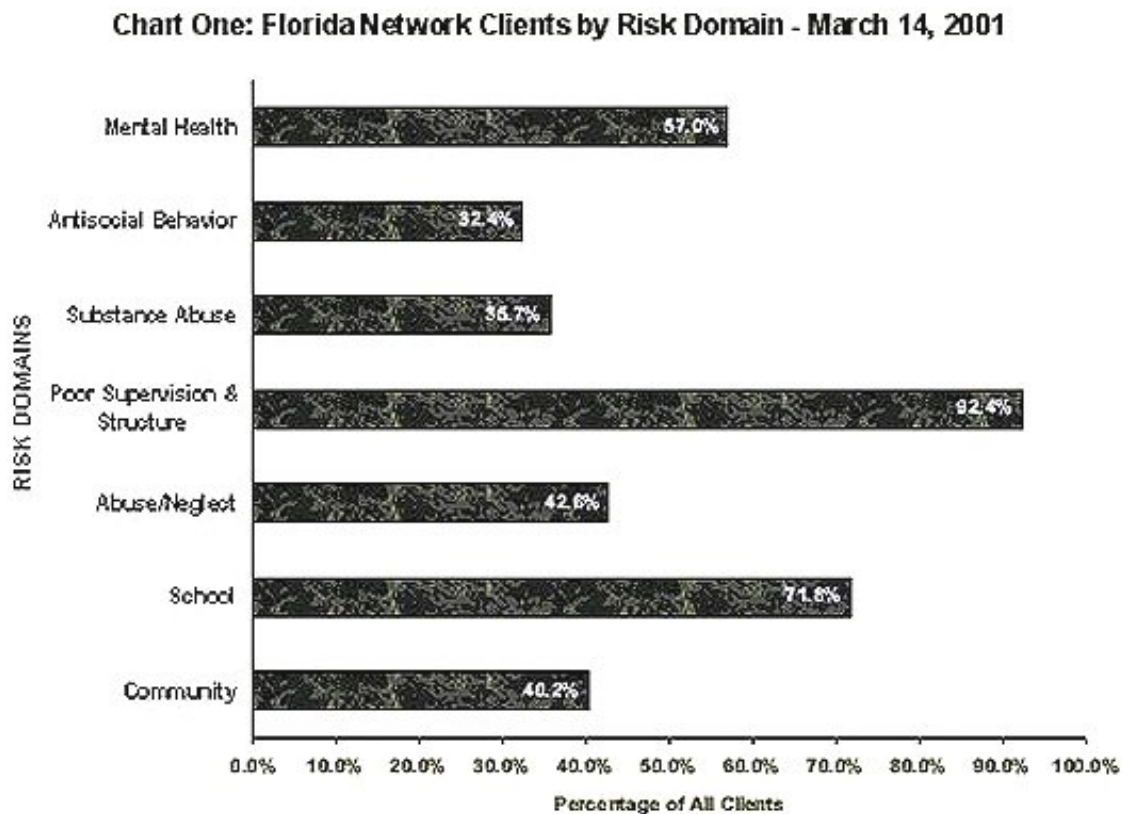
For FY 99-00, 7,945 children were reported during the intake phase as having involvement with the justice system.¹¹ While the intake phase does not imply further services, all data from the Network reveals that fewer than 1,000 youth proceeded no further than centralized intake - all other youth processed in intake received subsequent services. Anecdotal information related in conversation by Network staff asserted that member agencies did serve children actively involved with the juvenile justice system, and that these youth were served because DJJ had specifically requested such service. Network staff related that a common scenario for serving these youth was that the youth had been sentenced to a residential commitment program, a bed was not yet available, and the department requested the Network to shelter the child in the interim.

If this is the case, it appears that funds appropriated for CINS/FINS are being spent on children who do not meet the definition for CINS/FINS, based on their involvement with the juvenile justice system. The Florida Network stated that their standardized data collection process for their member agencies could partially solve this problem by clarifying if kids with arrests are or are not still under DJJ supervision. As to sheltering youth awaiting commitment beds while still operating within the statutory parameters, a number of remedies are possible:

- ▶ The Network and DJJ can discontinue this practice.
- ▶ DJJ and the Network can request the Florida Legislature to amend the statute to allow for such exceptions.
- ▶ DJJ can fund the placement with an appropriation from a different funding source.

4. Risk Factors of Children Screened by Florida Network Member Agencies

To examine the presence of risk factors in children under the care of the Florida Network, it was determined to look at data collected from a single day - March 14, 2001 - because no annualized data currently exists to capture this same information. On this particular day, which falls in the middle of the Network's busiest month, the Florida Network reported 3,158 children as active recipients of their services, 2,946 (93%) children in non-residential and 176 (5%) in residential (37 kids, or 1%, were listed N/A.) Chart One depicts the risk domains present in the number and percentage of the 3,158 children.



Clearly, risk domains related to families far exceed any other domain as evidenced by the 92% presenting that problem. Within the domain related to parental supervision, the most frequently reported risk factors by these children include the following:

- ◆ Single caretaker and no parental supervision: 455
- ◆ No parental supervision: 472
- ◆ Single caretaker: 258
- ◆ Single caretaker who spends nights away from the home: 194
- ◆ Single caretaker, a family member in jail, no parental supervision: 172
- ◆ Caregiver(s) nights away from home: 171
- ◆ No after school activities, no parental supervision: 166

Within the disrupted families domains, child abuse and neglect factored into the lives of 42% of the children Network agencies served. Two factors were especially present:

- ◆ Domestic violence: 333
- ◆ Child abuse and neglect investigation/reported neglect (such investigations or reports would have occurred in the past, based on the CINS/FINS definition): 237

With school issues being the second-most reported risk domain, the following key factors prevailed:

- ◆ Failed grades in two or more classes and chronically truant: 384
- ◆ Chronically truant, currently expelled: 352
- ◆ Failed grades in two or more classes: 317
- ◆ Suspended in last two months: 300
- ◆ Failed grades in two or more classes, chronically truant, suspended in last 6 months: 273

As for mental health and substance abuse, a few factors stand out more noticeably than the rest:

- ◆ Mental health-related services: 1,140
- ◆ Drug/alcohol/tobacco use: 413
- ◆ Caretaker(s) use of drugs/alcohol: 298

The last two domains indicate significant impact. Community-related factors affected over 40% of children receiving services by the Florida Network, the most notable being that 749 children reported the unemployment of a caretaker, clearly evidence of a disrupted family life, as well. Almost a third of Florida Network's active clientele were reported as exhibiting anti-social behavior: 427 children were runaways and 292 were arrested and then adjudicated delinquent. Runaway behavior automatically qualifies a child as in need of services, and the adjudicated delinquency disqualifies them.

Certainly, this data sample is a snapshot of services, but it is one that bears out what most providers serving at-risk children consistently report and what analysts support: family issues coincide with at-risk behavior. Further study of the presence of multiple domains by age is also telling.

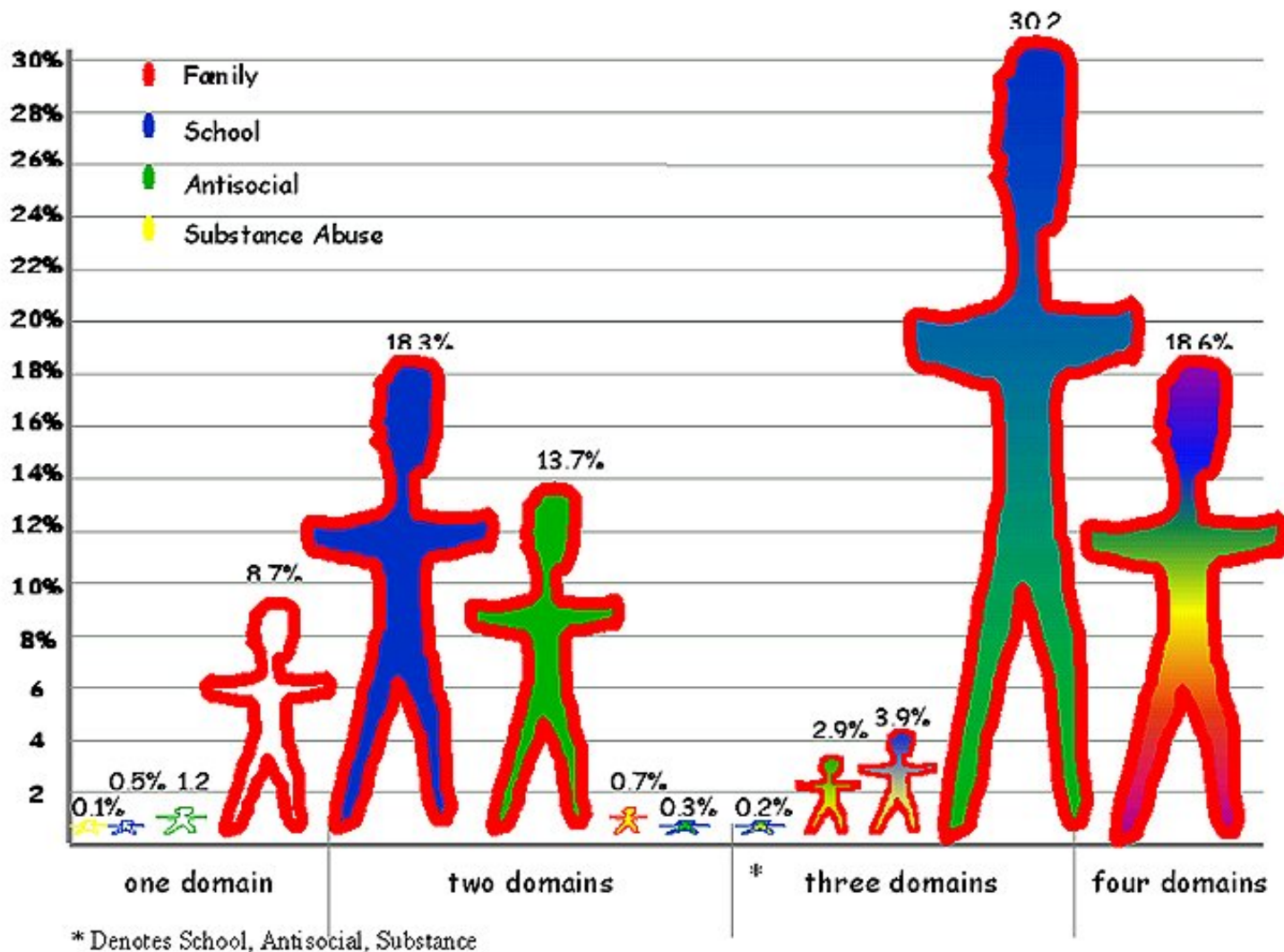
The following table and chart illustrate the co-existence of risk domains in children who were listed as active clients of Florida Network agencies on March 14, 2001. Table One breaks out the most prevalent risk domains and combinations of such present in these youth by age group. Chart Two presents the occurrence of all the domains and their combinations by color.

Not surprisingly, family issues are most prominently presented, followed by school, then antisocial behaviors, then substance abuse. Of the youth reported by Network member agencies on this day, just over 50% present risk factors in at least three domains. As a matter of fact, the most commonly reported combination of co-occurring risk domains were family, school and antisocial behavior.

Table One: Significant Risk Domains in Florida Network Clients - March 14, 2001

15 Yrs or Younger		16 Yrs or Older		Domains
# Served	% Served	# Served	% Served	
758	31.2%	187	26.6%	Family, School, Antisocial
490	20.2%	85	12.1%	Family, School
388	16.0%	195	27.8%	Family, School, Antisocial, Substance Abuse
345	14.2%	82	1.2%	Family, Antisocial
234	9.6%	36	5.1%	Family

Chart Two: Co-Occurring Risk Domains in Network's Clients - March 14, 2001



B. CINS/FINS INVESTMENT BY DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice is the state agency assigned primary responsibility for preventing juvenile crime and overseeing prevention services for children in need of services. DJJ out-sources approximately one-half of its prevention budget to the Florida Network, who then provides its services to the CINS/FINS eligible children and families, approximately one-third of the CINS/FINS population in 1998-99.12

1. Statutory Authority

Section 984.02 (3), Florida Statutes, contains the specific charge for juvenile crime prevention:

JUVENILE JUSTICE AND DELINQUENCY PREVENTION. - It is the policy of the state with respect to juvenile justice and delinquency prevention to first protect the public from acts of delinquency. In addition, it is the policy of the state to:

- (a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.
- (b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment...

(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation and training services in the field of juvenile delinquency prevention.

2. DJJ and the Youth They Serve

Created in 1994, the Florida Department of Juvenile Justice began operations to confront the growing problem of youth delinquency. In addition to intake, diversion, intervention and commitment programs throughout the state, the department offers prevention services to at-risk youth through private, contracted or grant-funded, providers. At this writing, the most recent data available is from FY 98-99. That year, these contract and grant programs received 10% of DJJ's \$637 million budget.

Children and youth referred to Florida's juvenile justice system enter through the intake process and are eventually directed to prevention programs, diversion and intervention programs, and/or commitment programs. Youth who are deemed as children in need of services but who are not adjudicated are directed to prevention programs, usually. First-time or minor offenders may be transferred from formal judicial processing to diversion programs, such as civil citation; teen court; community arbitration; and through August 2000, the Juvenile Alternative Sanctions Program (JASP). A judge may order that a youth receive intervention services (e.g. multisystemic therapy, community control, or other intervention programs.) For the most serious and/or repeat offenders, a youth may be sentenced to a commitment program.

Intake Referrals¹³

▶ In FY 98-99, 153,880 youth received intake referrals: 44% were aged 13-15 years and 45% were 16 years and older.

▶ Of these youth, 53% were white and 75% were male.

▶ DJJ reports that males who were 13 or 14 at their first referral showed the highest risk of chronic recidivism.

Prevention Programs¹⁴

DJJ funds primarily two types of prevention programs. Contracted prevention program providers tend to be larger, more established programs, while grant-funded providers typically are smaller, relatively new programs. In FY 98-99, the Florida Network was one of four DJJ contract providers. Descriptions of the other providers are provided in section III B 5, "Other DJJ-Funded Prevention Program Providers."

▶ In 1998-99, the department reported that 60,343 youth were served by all of the DJJ-funded prevention program providers, and 41,065 were released.

▶ In 1998-99, 55% of youth served by prevention program providers were male, 56% were white, and the average age ranged from 12.3 to 14.9 years of age.

▶ Just under 25% had a prior referral.

Diversion and Intervention Programs¹⁵

▶ Between March 1998 and February 1999, 16,346 youth were disposed to JASP: 69% were male and 62% were white, 34% were black, and 4% were other races. Their average age was 15 years, and two-thirds of the youth were between 14 and 17 years of age. 68% had a prior referral.

▶ The Multisystemic Therapy program supplies intensive services in the home, school and community where the youth under their care experience trouble. In FY 1998-99, only one program made data available. This program released 62 youth, 77% male and 42% white. Average age was 15.5 years and the youth averaged 4.3 prior referrals.

▶ The Early Delinquency Intervention Programs serves younger offenders with one or more prior referrals. The programs served

184 youth: 75% male and 59% white. The average age was 14.7 years and they averaged 2.7 prior referrals.

▶ 1,293 youth were released from probation in FY 98-99. 74.6% were male, 68% were white, and their average age was 16.3 years.

Commitment Programs¹⁶

▶ 86% of the 9,923 youth released from commitment programs in 1998-99 were male and 51% were white. At the time of entry into the program, their average age was 16.3 years. The average number of prior charges is 11.7.

▶ Approximately 61% of youth released from commitment programs were referred or arrested again within one year of release.

3. DJJ and the Need for Prevention

The Department of Juvenile Justice asserts the need for and their efforts to address both prevention and intervention. In 1998-99, the 60,000+ youth served by DJJ-funded prevention program providers largely had low subsequent involvement with the state's juvenile justice system. That year, these programs achieved a 94% success rate. Each year, DJJ and the Florida Legislature grapple with balancing the need for prevention with the need for immediate intervention. On virtually any day, nearly 5,000 juveniles reside in one of Florida's juvenile justice residential treatment facilities. And the department's website stated that, "As of September 23, [2000] there were 1,004 delinquent boys and girls waiting for placement in residential and non-residential treatment programs."

On their web site, DJJ reports the following trends in Florida:

- ◆ "14 percent of juvenile offenders can be classified as chronic offenders."¹⁸
- ◆ These chronic offenders are "responsible overall for 42 percent of delinquency referrals and 67 percent of repeat referrals."¹⁹
- ◆ These "offenders typically had six or more delinquency referrals (similar to arrests in the adult system) over a two-year period."²⁰

In terms of these findings, **DJJ estimates that a four percent improvement in recidivism for these 14% of offenders results in an estimated \$65 million in long-term cost savings.** An initial savings of \$35 million is realized by reduced costs of law enforcement, the courts, the juvenile justice system and the adult correctional system. The remaining \$30 million are in projected savings to victims. These estimates are based on juveniles' typical track record five years after release from a delinquency program.²¹

Page eight of DJJ's *Delinquency Prevention Plan, FY 2000-2001, Prevention and Victim Services*, takes another look at the cost of preventing juvenile crime. **A 1% decrease in overall delinquency could save Floridians, the judiciary, victims and law enforcement approximately \$15.8 million, annually. Such a reduction translates into 1,071 fewer youths referred annually,** based on FY 97-98 data. A 1% reduction in the number of chronic offenders is estimated to result in a three-year savings of \$23.4 million with 284 fewer chronic offenders; DJJ used this long-term calculation based on *The 8% Solution* model. ²²

As DJJ researchers point out, "predicting which youths in the population at-risk will receive a delinquency referral is difficult, *any prevention strategy would need to reach considerably more than 1,071 youths to achieve desired savings.*"²³ Pending more interagency research, DJJ believes their best chance at more accurately identifying children at risk of becoming chronic offenders occurs the first or second time the youth is referred to the juvenile justice system.²⁴

4. Comparing the Juvenile Delinquency System to the Adult Correctional System

Many experts in the field of crime prevention and intervention believe that juvenile detention facilities actually reinforce criminal tendencies - repeat juvenile offenders can tend to grow up to be repeat adult offenders. In fact, the adult correctional system counts hundreds of youth in Florida's state prisons, as discussed in the next section. Unfortunately, Florida Department of Corrections (DOC) staff related that, at this time, their agency does not have data available to report how many adult offenders began their commission of crimes as juveniles.

Because Florida's juvenile and adult correctional systems share a general mission to combat crime, there can be a tendency to compare them; however, the two systems are markedly different, making such comparisons difficult. For one thing, any juvenile

committed to a residential facility must receive an education. Also, for the most part, juvenile court judges commit a youth offender to a program for an unfixed length of time - the length of confinement depends on the pace that the child progresses through the program. Nonetheless, a judge can commit an adjudicated youth to a Level-10 facility for up to three years.²⁵ Adults sentenced to Florida's correctional system may or may not receive an education and their sentence is time-specific.

Despite major differences between the two systems, a few statistics gleaned from the *Florida Department of Corrections FY 1999-2000 Annual Report* (pages 11 to 19) regarding the adult inmate population are noteworthy for purposes of this report:

- ◆ Number of inmates detained in Florida's correctional system: ~70,000
- ◆ Average recidivism rate: 44.6%
- ◆ Average sentence length: 5.3 years
- ◆ Average percentage of time served: ~80%, or ~4.25 years
- ◆ Average cost per day per inmate in 1999 - 2000: \$49.39

5. Youthful Offenders in State Prisons

In some cases, juvenile court judges remand more serious juvenile delinquents to circuit courts where these youthful offenders may be sentenced to adult prison. For the past five years, the number of youthful offenders has declined. The Florida Department of Corrections reported the following data on youthful offenders in their inmate population on June 30, 2000: 26

- ▶ The youngest inmate in state prison was 14 years old.
- ▶ Approximately eight percent of offenders (5,691) committed the crimes for which they were sentenced prior to their 18th birthday.
- ▶ 0.7% (484 inmates) of their prison population were 17 years of age and younger.

6. Other DJJ-Funded Prevention Program Providers

As described earlier, DJJ enters into contracts with prevention program providers or offers grants for providers to target services at preventing juvenile crime. Aside from the Florida Network, DJJ entered into contracts with three other prevention programs in FY 98-99:27

- ▶ **Hurricane Island Outward Bound:** Their services aid youth in improving their problem-solving skills, teamwork, anger management, communication, leadership, and helping others. This agency is currently an affiliate member of Florida Network.
- ▶ **Practical Academic Cultural Educational Centers for Girls, Inc. (PACE).** PACE operates 17 sites statewide, serving girls between 12 and 18 years old and identified as dependent, truant, runaway, ungovernable, delinquent, pregnant or in need of parenting skills.
- ▶ **Intensive Learning Alternatives Program (ILAP).** This school-based prevention program functions in nearly all of the 33 middle schools in Hillsborough County.

Grant-funded programs are typically smaller and tend to be time-limited. Their services and missions vary widely, so DJJ categorizes them by funding source rather than naming them specifically. For FY 98-99, there were five funding sources provided:

- ◆ **OJJDP Title II and Title V Grants:** \$4,167,810 to 59 grant recipients.
- ◆ **Community Partnership Grants:** \$4,406,239 to 124 grant recipients.
- ◆ **General Revenue Grants:** \$4,118,368 to 111 grant recipients.
- ◆ **Faith Grants:** \$608,935 to 41 grant recipients.
- ◆ **Block Grants:** \$2,051,911 to 79 recipients.

7. Performance Outcomes for Prevention Program Providers

Agencies providing prevention services to CINS/FINS are mandated to meet four key performance outcomes. For FY 98-99, baseline data was still being collected; therefore, no standard achievement goals were assigned to the outcome measures. For purposes of this report, the first three of the following four measures will be examined:

1. Youth shall be united with their families
2. Youth will remain at home or in appropriate placement after completing services and will be kept out of the juvenile justice or child welfare system.
3. Youth will not be adjudicated delinquent six months and one year after receiving services from Florida Network member agencies.
4. Clients will report satisfaction with the services received from Florida Network agencies.

Table Two entitled "Summary of Data of Prevention Programs" (following this section) compares the performance of these DJJ-funded prevention program providers. It is appropriate to advise caution when comparing the performance of the various providers, due to their numerous differences, including size, mission, program permanence, clientele and services. Furthermore, the source document for this table (*2001 Outcome Evaluation Report*) does not define what "success" means.

Overall, DJJ rated the Florida Network with a program success rate of 93-94% in FY 98-99. Up three points from the previous year, the Network was just under the average (94%) of all the prevention program providers. It is noteworthy that most youth were served in the Network's non-residential programs, and these programs' success rate was 95%, compared to 91% success of the residential programs. This variance could be attributed to a variety of factors, including:

▶ The youth served in residential programs had more prior referrals (27.9%) than the youth in non-residential programs (16.9%).

▶ The referrals of the aforementioned youth tend to be more serious, according to DJJ's seriousness index (see "Data Summary of Prevention Programs.")

These same factors may also explain the difference between the six-month recidivism rates of the Network's residential and non-residential programs. In Table Two on the next page, the Florida Network reports that "rescivism" actually means diversion from entry to a DJJ program. Nine percent of youth released from Florida Network residential programs entered the DJJ system within six months, while 4.9% of the children receiving non-residential services entered the DJJ system. The average six-month recidivism rate for all of DJJ's prevention program providers was 6%, revealing that Network program rates were comparable to the others.

As for rates of program completion, three out of four children referred to the Network's residential programs completed them, while just under half of youth referred to non-residential services completed their prescribed program venue. Among the other contracted providers, the completion rate was 62.8%, while the overall completion rate was 71%.

Table Two: Summary of Data of Prevention Programs

Extracted from DJJ *2001 Outcome Evaluation Report*, pp.13-14

Provider	Youth Served	Youth Released	% with Prior Referrals	Avg. Seriousness Score of Priors ¹	Avg Length of Stay (mo's)	Program Completion Rate	6-Month Recidivism Rate	DJJ's Rating of Success
<i>Network (residential)</i>	7471	7177	27.9%	3.9	0.4	76.0%	9.0%	93.0% ²
<i>Network (nonres)</i>	11604	8555	16.9%	1.7	3.5	48.8%	4.9%	See above
PACE	1501	1289	38.7%	3.9	9.3	41.9%	6.1%	93.9%
Hurricane Island	233	232	30.0%	1.9	4.3	84.5%	9.5%	90.5%
ILAP	1510	1285	8.2%	0.6	7.6	99.9%	1.5%	98.5%
OJJDP	3712	2610	20.0%	2	8.5	70.2%	3.4%	96.6%
Contracted Total	22319	18538	21.6%	2.5	3	62.8%	6.4%	94.5%
Community Partnerships	18531	12849	31.6%	3.1	3.1	81.2%	6.3%	93.7%
Gen Rev-Funded	11303	6281	26.6%	2.5	3.6	77.2%	5.6%	94.4%
Faith-Based	1222	126	18.4%	4.3	2.8	27.8%	4.0%	96.0%
Block Grants	3256	661	5.5%	0.7	3.8	56.1%	4.8%	95.2%
Grant-Funded Total	38024	22527	26.3%	2.6	3.9	77.8%	5.7%	94.8%
STATEWIDE TOTAL	60343	41065	24.6%	2.6	3.5	71.0%	6.0%	94.0%

1. The seriousness index is the sum of all scores for adjudicated referrals. These point values are assigned:

8 = violent felony; 5 = property felony; 2 = misdemeanor; 1 = another offense.

2. DJJ rated the Florida Network as a whole and did not provide separate rankings for residential and non-residential.

C. COSTS OF SERVICES IN THE JUVENILE JUSTICE CONTINUUM

Costs of providing services to at-risk youth and those adjudicated delinquent vary significantly, but even the most conservative costs command a substantial price. This section examines the costs of each general level of involvement in Florida's juvenile justice system, based on FY 1997-98 data from the Department of Juvenile Justice's *Fiscal Impact of Reducing Juvenile Crime*.

The general levels of involvement in the delinquency system are:

- ◆Prevention: specific to the Florida Network
- ◆Intake: law enforcement, secure detention and juvenile court
- ◆Diversion and Intervention: diversion, community control, after-care subsequent to commitment
- ◆Commitment: minimum to maximum risk

1. Costs of Services Provided by Florida Network

At this writing, the Florida Network is not yet able to calculate unit costs for the different services they provide because they are still developing the data system to do that. Rather than use a cost per case, a general cost per child served in 1999-00 is estimated below based on the 22,379 children that the Network reported they served that year and the Network's annual budget. It is important to indicate that this number of those served does not count cases (numerous children may have been served by different agencies or may have had their individual case closed and another opened), but actual unduplicated children served by Florida Network.

Table Three: Cost per Network Client Served by Appropriation

Funding Source	Annual Appropriation	22,379 Served	Annual Cost per Child
DJJ Funding	\$31,329,314		\$1,400
Total of State Funding	\$34,407,822		\$1,538
Total Funding	\$37,024,142		\$1,654

The following sections of this report provide cost per case, and so it can be assumed that per capita costs for the various correctional functions occurring in the continuum would likely be higher than costs per case. The section, "Costs Avoided by the Florida Network," will focus on costs per youth served by DJJ and by the Network.

2. Costs of Intake: Juvenile Justice Law Enforcement, Detention and Court

When youth are picked up by law enforcement officials, they are typically taken to the local assessment and receiving center, where they are temporarily detained while staff review the charge(s) and the youth's prior history. Depending on these factors, they may be released within a few hours or detained for up to a few weeks while they await court dates and adjudication.

DJJ estimated that the costs per case for these three functions are as follows:

- ◆ Law Enforcement: \$3,850
- ◆ Secure Detention: \$1,181
- ◆ Juvenile Court: \$468

3. Costs of Juvenile Delinquency Diversion and Intervention

Some youth referred to the juvenile delinquency system are directed to a diversionary program or are placed on community control, which is similar to probation. For those youth released from a commitment facility, they are placed on aftercare to transition them back to the community and provide services designed to prevent their re-offending. Approximate costs for these services include:

- ◆ Diversion: \$362
- ◆ Community Control: \$364
- ◆ Aftercare: \$4,370

4. Costs of Commitment of Adjudicated Youth Offenders

For children adjudicated delinquent, a juvenile court judge sentences them to a commitment facility, of which there are five levels. Because these costs are so steep, Table Four provides in-depth detail.

Table Four: Costs of Commitment of Adjudicated Youth Offenders

Level of Facility (28)	Level of Risk (29)	Examples (30)	Avg. # of Inmates per Day (31)	Avg. # of Days of Stay	Avg. Cost per Inmate per Day	Avg. Cost per Inmate for Duration of Commitment
2	Minimum	Non-residential commitment; day treatment programs	1,558	188	\$38.30	\$7,223
4	Low	Family Group Homes; Short-Term Wilderness Programs	482	85	\$93.73	\$7,967
6	Moderate	Boot Camps; Halfway Houses; Intensive Vocational Work Programs; Wilderness Camps; Youth Development Centers	2,566	170	\$87.19	\$14,823
8	High	Dozier School; Sex-Offender Programs; Intensive Youth Development Centers	1,440	173	\$104.83	\$18,135
10	Maximum	Correctional Institution-like	146	544	\$121.23	\$65,950

D. COSTS AVOIDED BY FLORIDA NETWORK PREVENTION PROGRAMS

An analysis of costs avoided by preventing juvenile crime must always be based on a number of assumptions intermingled with baseline data. Predicting exactly to what extent the Florida Network *actually* prevents juvenile crime is indeterminate and will not be attempted here. An important point to emphasize is that the Network only measures recidivism (entry into a DJJ program) at six months, and data based on so short a period of time are weak indicators for assessing whether an at-risk youth has truly been diverted from delinquency or may later resume a downward spiral of criminal behavior.

What is presented for the reader's consideration is a number of possible scenarios for juvenile crime prevention directly related to the Network's services to at-risk youth. These scenarios are best represented in a series of tables and charts on the following pages. At this time, the relationship is inconclusive, but future research may determine, based on the following scenarios, what costs are avoided due to the Florida Network's involvement with children and families in need.

1. Assumptions

This section will use data provided by DJJ and the Florida Network for Youth and Families and will be based on actual children served. For purposes of discussing the prevention of crime and the successful treatment of at-risk youth, it is more germane to start with data on unduplicated children rather than on cases served.

To begin, the following assumptions are integral to estimating costs avoided at least partially due to services offered by the Florida Network:

▶ Florida Network member agencies served 22,379 children.

▶ The Network's average annual cost per child was \$1,654. For this exercise, the amount will be rounded to \$1,650.

▶ DJJ reports that a 1% reduction in juvenile crime would result in 1,071 fewer juvenile offenders, a total of \$15.6 million dollars saved, and approximately \$14,600 per offender each year. Because the Florida Network only records 6-month recidivism, this report will factor a 6-month cost of \$7,300.

▶ DJJ states that achieving a 1% reduction in total offenders requires that prevention efforts reach many more youth than 1,071.

▶ Per *The 8% Solution*, youth at greatest risk of chronic offending were under 15 and had at least 3 risk domains.

▶ According to the March 14, 2001, snapshot of risk domains, 55% of kids served by Network agencies met *The 8% Solution* criteria. Based on the snapshot, it will be assumed that 50% of youth in the care of Florida Network member agencies meet the same

criteria.

▶ Per DJJ, the 6-month "recidivism rate" for Florida Network's non-residential services is 4.9% and 9% for residential services. For a conservative estimate, a 10% *DJJ entry-rate* will be used. In estimating costs avoided, it will be assumed that 10% of all youth served by Network agencies enter the DJJ system, and these youth all meet The 8% Solution criteria; thus, they will be counted against the number of higher at-risk youth.

▶ Annual total of individual youth served through CINS/FINS by Florida Network: 22,379

50% meet The 8% Solution criteria: 11,189

Approximate #, based on 10%, of Florida Network youth who have historically entered DJJ system within 6 months: - 2,238

▶ **Remaining # of greater at-risk youth who have not entered DJJ within 6 months: 8,951**

2. Scenarios

Florida TaxWatch created cost-savings scenarios presented in the following tables and charts by:

▶ applying various "success rates" (e.g. 10%, 25%, 50%, etc.), which are more conservative than the 90% success rate attributed by DJJ, to just the 8,951 greater at-risk youth referenced above;

▶ including savings realized at six months and 12 months (double the savings calculated at six months) - the savings equal the number of youth prevented from delinquency multiplied by the difference between the Network's average daily cost and that of DJJ's.

Table Five: Possible Cost Savings Achieved by Network Prevention Services

Scenario	# of Youth Prevented from Delinquency (per Scenario)	DJJ Avg Cost for 6 months	Network Avg Cost	Difference Between DJJ & Network	Cost Savings for Successful Prevention: 6 months	Cost Savings for Successful Prevention: 12 months
10%	895	\$7,300	\$1,650	\$5,650	\$5,056,750	\$10,113,500
25%	2,237	\$7,300	\$1,650	\$5,650	\$12,639,050	\$25,278,100
50%	4,475	\$7,300	\$1,650	\$5,650	\$25,283,750	\$50,567,500

The following page contains Chart Three, which graphically presents the information in this table.

Chart Three: Successful Delinquency Prevention Scenarios



Scenarios are based on the percentage of at-risk youth who would have potentially been diverted to DJJ were it not for the Network. \$\$\$ denote annual savings achieved with each scenario.

Table Six: Possible Cost Savings Achieved by Network Prevention Services by Appropriation

Scenario	# of Youth Prevented from Delinquency (per Scenario)	DJJ Avg Cost for 6 months	Network Avg Cost	Difference Between DJJ & Network	Cost Savings for Successful Prevention: 6 months	Appropriation/ Cost Savings for Successful Prevention: 12 months	Source of Funding
31%	2,773	\$7,300	\$1,650	\$5,650	\$15,664,657	\$31,329,314	DJJ
34%	3,045	\$7,300	\$1,650	\$5,650	\$17,203,911	\$34,407,822	State of FL
37%	3,276	\$7,300	\$1,650	\$5,650	\$18,512,071	\$37,024,142	Total Funding

The following page features Chart Four, which graphically illustrates the data in this table.

Assuming that DJJ is correct in saying that to achieve a 1% overall reduction in juvenile crime requires that substantially more than 1,071 youth be served, data from DJJ and the Network demonstrate that the member agencies of the Network are doing just that. Questions still remain, including:

Is it reasonable to assume that one of every 20 (or 1,071 of 22,000+) of the at-risk children served by the Network would have been diverted to DJJ without the intervention of the Network?

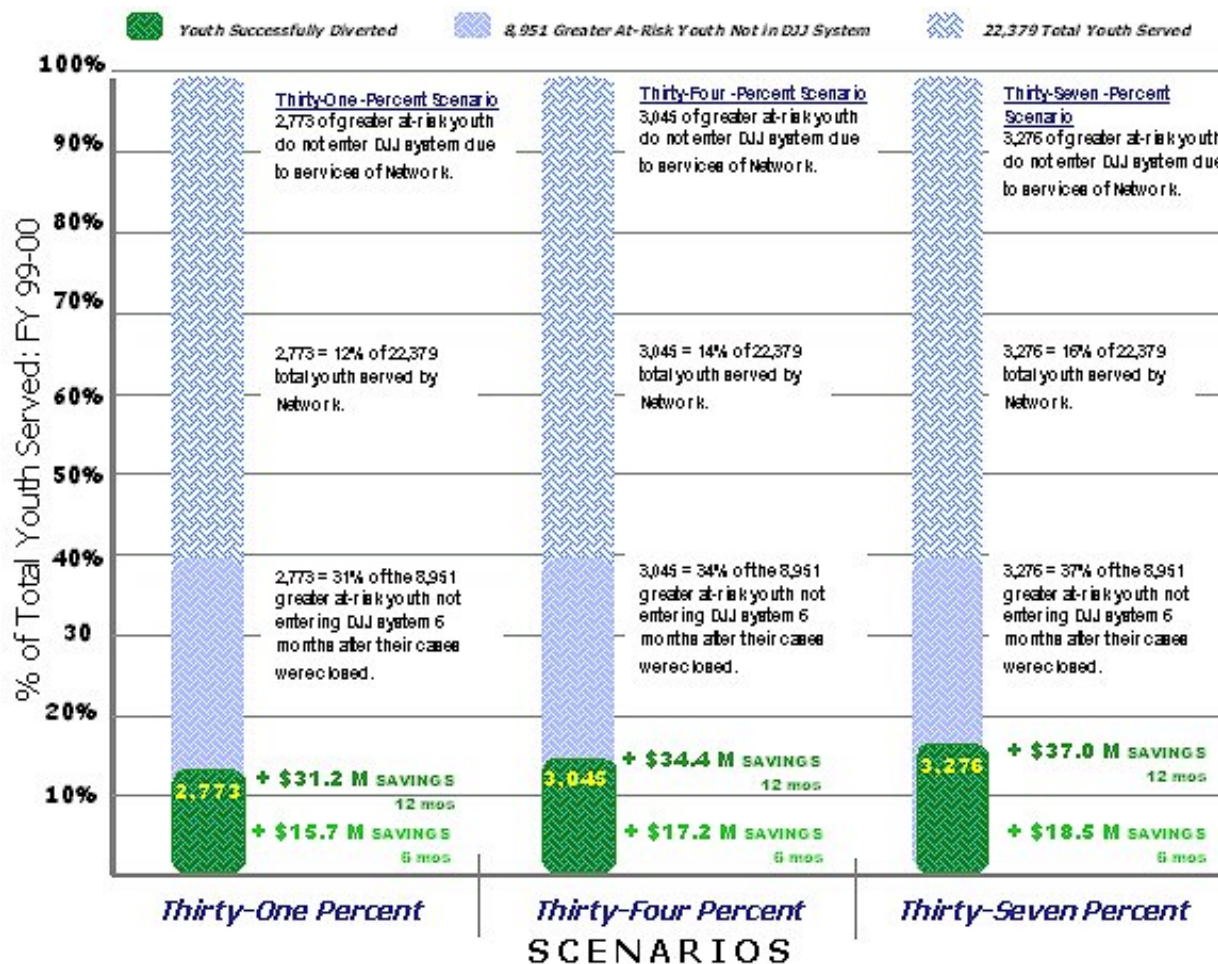
If so, the Network's efforts alone realized that 1% drop in delinquency.

Is it reasonable to conclude that three of every 20 of the at-risk youth served by the Network would have been diverted to DJJ without the intervention of the Network?

If so, the Network's efforts not only achieved a 1% drop in delinquency, but over \$45 million in savings to the state. From another perspective, the Network covered their own appropriation and saved the state \$10-15 million in additional delinquency-related costs.

Based on the Network's "success" rate of 93% (as reflected in Table 2,) attributed by the Florida Department of Juvenile Justice, Florida TaxWatch believes that these conclusions are reasonable.

Chart Four: Successful Delinquency Prevention Scenarios by Appropriation



Scenarios are based on the percentage of at-risk youth who would have potentially been diverted to DJJ were it not for the Network. \$\$\$ denote annual savings achieved with each scenario.

IV. Conclusion

In our democracy, government shoulders the responsibility of maintaining order and security, and, at all levels of government throughout American history, government officials have intervened in the lives of children, adults and families when their problems threatened the safety of themselves and others. Detaining and committing juvenile offenders is nothing new; neither is attempting to prevent crime; and neither is balancing these two governmental responsibilities.

No capabilities exist that can predict who will become a chronic offender or that can determine precisely what factors will deter future offenders from becoming such. But enough data can be collected to assist decision-makers in drawing logical, albeit arguable,

conclusions as to how to combat crime.

On the prevention side, the Florida Network of Youth and Family Services remains the biggest, most established, and geographically diverse provider of prevention services in this state. Based on DJJ records, Network member agencies serve over one-third of the identified children and families in need of services. The documented costs borne by the Network and funded by the state to deliver these services are considerably less than more intensive governmental intervention and difficult to measure. Nonetheless, based on the data analyzed in this report, a strong argument can be made that the Network does beneficially help troubled youth and their families, and the services they provide positively impact the state of Florida.

Appendix A

Chapter 984, Florida Statutes *Children in Need of Services/Families in Need of Services*

Downloaded from Florida Legislature Online, August 2001

CHILDREN AND FAMILIES IN NEED OF SERVICES

>984.01 Purposes and intent; personnel standards and screening.

984.02 Legislative intent for the juvenile justice system.

984.03 Definitions.

984.04 Families in need of services and children in need of services; procedures and jurisdiction.

984.05 Rules relating to habitual truants; adoption by Department of Education and Department of Juvenile Justice.

984.06 Oaths, records, and confidential information.

984.07 Appointed counsel; compensation.

984.071 Information packet.

984.08 Attorney's fees.

984.085 Sheltering unmarried minors; aiding unmarried minor runaways; violations.

984.086 Children locked out of the home; interagency cooperation.

984.09 Punishment for contempt of court; alternative sanctions.

984.10 Intake.

984.11 Services to families in need of services.

984.12 Case staffing; services and treatment to a family in need of services.

984.13 Taking into custody a child alleged to be from a family in need of services or to be a child in need of services.

984.14 Shelter placement; hearing.

984.15 Petition for a child in need of services.

984.151 Truancy petition; prosecution; disposition.

984.16 Process and service.

984.17 Response to petition and representation of parties.

984.18 Referral of child-in-need-of-services cases to mediation.

984.19 Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent, guardian, or person requesting custody of child.

984.20 Hearings for child-in-need-of-services cases.

984.21 Orders of adjudication.

984.22 Powers of disposition.

984.225 Powers of disposition; placement in a staff-secure shelter.

984.226 Physically secure setting.

984.23 Court and witness fees.

984.24 Appeal.

984.01 Purposes and intent; personnel standards and screening.--

(1) The purposes of this chapter are:

(a) To provide judicial and other procedures to assure due process through which children and other interested parties are assured fair hearings by a respectful and respected court or other tribunal and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.

(b) To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(c) To ensure the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public

safety, the prior record of the child, and the specific rehabilitation needs of the child, while also providing restitution, whenever possible, to the victim of the offense.

(d) To preserve and strengthen the child's family ties whenever possible, by providing for removal of the child from parental custody only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his or her own family, to secure custody, care, and discipline for the child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.

(e)1. To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.

(f) To provide children committed to the Department of Juvenile Justice with training in life skills, including career education.

(2) The Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) When the Department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. Each contract entered into by either department for services delivered on an appointment or intermittent basis by a provider that does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) The Department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

(c) The Department of Juvenile Justice or the Department of Children and Family Services may grant exemptions from disqualification from working with children as provided in s. 435.07.

(3) It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

History.--s. 87, ch. 97-238; s. 11, ch. 2001-125.

984.02 Legislative intent for the juvenile justice system.--

(1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate when intervention is necessary and a skilled guardian or caretaker in a safe environment when alternative placement is necessary.

(2) SUBSTANCE ABUSE SERVICES.--The Legislature finds that children in the care of the state's dependency and delinquency systems need appropriate health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services where appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency and delinquency systems must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency and delinquency systems, which will be fully implemented and utilized as resources permit.

(3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.--It is the policy of the state with respect to juvenile justice and delinquency prevention to first protect the public from acts of delinquency. In addition, it is the policy of the state to:

(a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.

(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention. The Legislature intends that detention care, in addition to providing secure and safe custody, will promote the health and well-being of the children committed thereto and provide an environment that fosters their social, emotional, intellectual, and physical development.

(4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.--Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and

related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified through the delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding.

History.--s. 88, ch. 97-238.

984.03 Definitions.--When used in this chapter, the term:

- (1) "Abandoned" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in subsection (9) or a "family in need of services" as defined in subsection (25). The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a finding of abandonment.
- (2) "Abuse" means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 39.01.
- (3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.
- (4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition as is provided for under s. 984.20(2) in child-in-need-of-services cases.
- (5) "Adult" means any natural person other than a child.
- (6) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, to perform duties or exercise powers pursuant to this chapter and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services.
- (7) "Caretaker/homemaker" means an authorized agent of the Department of Children and Family Services who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.
- (8) "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.
- (9) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:
 - (a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services;
 - (b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 232.17 and 232.19 and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services; or
 - (c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.
- (10) "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.
- (11) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of chapter 985, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to this chapter.
- (12) "Child who is found to be dependent" or "dependent child" means a child who, pursuant to this chapter, is found by the court:
 - (a) To have been abandoned, abused, or neglected by the child's parents or other custodians.
 - (b) To have been surrendered to the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, or a licensed child-placing agency for purpose of adoption.
 - (c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the former Department of Health and Rehabilitative Services, or the Department of Children and Family Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents have failed to substantially comply with the requirements of the plan.
 - (d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption and a natural parent or parents signed a consent pursuant to the Florida Rules of Juvenile Procedure.
 - (e) To have no parent, legal custodian, or responsible adult relative to provide supervision and care.
 - (f) To be at substantial risk of imminent abuse or neglect by the parent or parents or the custodian.
- (13) "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.
- (14) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.
- (15) "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.
- (16) "Delinquency program" means any intake, community control, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department

of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to chapter 985.

(17) "Department" means the Department of Juvenile Justice.

(18) "Detention care" means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:

(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.

(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.

(19) "Detention center or facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

(20) "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under s. 39.402, in dependency cases.

(21) "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency as defined in this section that is a party to a case plan.

(22) "Diligent search" means the efforts of a social service agency to locate a parent or prospective parent whose identity or location is unknown, or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be initiated as soon as the agency is made aware of the existence of such parent, prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the department, unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.

(23) "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), in child-in-need-of-services cases.

(24) "Family" means a collective body of persons, consisting of a child and a parent, guardian, adult custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(25) "Family in need of services" means a family that has a child who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the Department of Juvenile Justice, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the Department of Juvenile Justice or the Department of Children and Family Services due to an adjudication of dependency or delinquency.

(26) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(27) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 232.17 and 232.19(3), have been completed. If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19(3) and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable. The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in ss. 232.17 and 232.19(3) shall be handled as prescribed in s. 232.19.

(28) "Intake" means the initial acceptance and screening by the Department of Juvenile Justice of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.

(29) "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(30) "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or

reducing delinquent acts, including criminal activity by youth gangs and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; conditional release; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(31) "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation, or conditional release, and other related services.

(32) "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(33) "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of Children and Family Services to care for, receive, and board children.

(34) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

(35) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(36) "Necessary medical treatment" means care that is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(37) "Neglect" occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(38) "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.

(39) "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503(1) or s. 63.062(1).

(40) "Participant," for purposes of a shelter proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(41) "Party," for purposes of a shelter proceeding, means the parent of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(42) "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(43) "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child into foster care or into the delinquency system or that will or could result in the child living on the street. Social services and other supportive and rehabilitative services may include the provision of assessment and screening services; individual, group, or family counseling; specialized educational and vocational services; temporary shelter for the child; outreach services for children living on the street; independent living services to assist adolescents in achieving a successful transition to adulthood; and other specialized services.

(44) "Protective supervision" means a legal status in child-in-need-of-services cases or family-in-need-of-services cases which permits the child to remain in his or her own home or other placement under the supervision of an agent of the Department of Juvenile Justice or the Department of Children and Family Services, subject to being returned to the court during the period of supervision.

(45) "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(46) "Reunification services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child, whichever is applicable; the child; and, where appropriate, the foster parents of the child for the purpose of enabling a child who has been placed in temporary shelter care to return to his or her family at the earliest possible time. Social services and other supportive and rehabilitative services shall be consistent with the child's need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.

- (47) "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.
- (48) "Serious or habitual juvenile offender program" means the program established in s. 985.31.
- (49) "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after adjudication or after execution of a court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14.
- (50) "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.
- (51) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.
- (52) "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.
- (53) "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.
- (54) "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.
- (55) "Truancy petition" means a petition filed by the superintendent of schools alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151.
- (56) "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult. History.--s. 4, ch. 97-234; s. 89, ch. 97-238; s. 1, ch. 97-276; s. 12, ch. 98-49; s. 235, ch. 98-166; s. 6, ch. 98-207; s. 64, ch. 98-280; s. 165, ch. 98-403; s. 126, ch. 99-3; s. 8, ch. 99-284; s. 74, ch. 99-398; s. 13, ch. 2000-135; s. 22, ch. 2000-235; s. 149, ch. 2000-318; s. 34, ch. 2001-3; s. 35, ch. 2001-64.
- 984.04 Families in need of services and children in need of services; procedures and jurisdiction.--
- (1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through service, treatment, and family intervention after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least restrictive method for families in need of services and children in need of services.
- (2) The Department of Juvenile Justice shall be responsible for all nonjudicial proceedings involving a family in need of services.
- (3) All nonjudicial procedures in family-in-need-of-services cases shall be according to rules established by the Department of Juvenile Justice under chapter 120.
- (4) The circuit court shall have exclusive original jurisdiction of judicial proceedings involving continued placement of a child from a family in need of services in shelter.
- (5) The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to be a child in need of services. When the jurisdiction of any child who has been found to be a child in need of services or the parent, custodian, or legal guardian of such a child is obtained, the court shall retain jurisdiction, unless relinquished by its order or unless the department withdraws its petition because the child no longer meets the definition of a child in need of services as defined in s. 984.03, until the child reaches 18 years of age. This subsection shall not be construed to prevent the exercise of jurisdiction by any other court having jurisdiction of the child if the child commits a violation of law, is the subject of the dependency provisions under this chapter, or is the subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment.
- (6) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in family-in-need-of-services cases and child-in-need-of-services cases shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.
- (7) The department may contract with a provider to provide services and programs for families in need of services and children in need of services. History.--s. 8, ch. 87-133; s. 60, ch. 94-209; s. 19, ch. 96-398; s. 90, ch. 97-238; s. 65, ch. 98-280.
- Note.--Former s. 39.42.
- 984.05 Rules relating to habitual truants; adoption by Department of Education and Department of Juvenile Justice.--The Department of Juvenile Justice and the Department of Education shall work together on the development of, and shall adopt, rules as necessary for the implementation of ss. 232.19, 984.03(27), and 985.03(25). History.--s. 18, ch. 84-311; s. 2, ch. 87-133; s. 3, ch. 87-289; s. 2, ch. 88-319; s. 16, ch. 94-209; s. 9, ch. 95-152; s. 17, ch. 97-234; s. 91, ch. 97-238; s. 66, ch. 98-280; s. 25, ch. 99-284; s. 14, ch. 2000-135.
- Note.--Former s. 39.015.
- 984.06 Oaths, records, and confidential information.--
- (1) The judge, clerks or deputy clerks, or authorized agents of the department shall each have the power to administer oaths and affirmations.
- (2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records pertaining to a child in need of services until 10 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy them. The

court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which are filed in the case.

(3) The clerk shall keep all court records required by this chapter separate from other records of the circuit court. Court records required by this chapter are not open to inspection by the public. All such records may be inspected only upon order of the court by a person deemed by the court to have a proper interest therein, except that, subject to the provisions of s. 63.162, a child and the parents or legal custodians of the child and their attorneys, law enforcement agencies, and the department and its designees may inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court deems proper, and may punish by contempt proceedings any violation of those conditions.

(4) Except as provided in subsection (3), all information obtained pursuant to this chapter in the discharge of official duty by any judge, employee of the court, authorized agent of the department, or law enforcement agent is confidential and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, law enforcement agencies, and others entitled under this chapter to receive that information, except upon order of the court.

(5) All orders of the court entered pursuant to this chapter must be in writing and signed by the judge, except that the clerk or a deputy clerk may sign a summons or notice to appear.

(6) A court record of proceedings under this chapter is not admissible in evidence in any other civil or criminal proceeding, except that:

(a) Records of proceedings under this chapter forming a part of the record on appeal shall be used in the appellate court.

(b) Records that are necessary in any case in which a person is being tried upon a charge of having committed perjury are admissible in evidence in that case.

History.--s. 8, ch. 87-133; s. 7, ch. 90-53; s. 241, ch. 95-147; s. 34, ch. 96-398; s. 92, ch. 97-238.

Note.--Former s. 39.443; s. 39.4451.

1984.07 Appointed counsel; compensation.--If counsel is entitled to receive compensation for representation pursuant to court appointment in a child-in-need-of-services proceeding, such compensation shall not exceed \$1,000 at the trial level and \$2,500 at the appellate level.

History.--s. 8, ch. 87-133; s. 93, ch. 97-238.

1Note.--Section 1, ch. 92-37, provides that "[n]otwithstanding the provisions of chapter 39, Florida Statutes, to the contrary, the attorneys whose compensation was provided in the November 1989 Supplemental Appropriations Act and is continued in subsequent general appropriations acts shall provide legal representation in cases arising under sections 39.40-39.474, Florida Statutes." Provisions within ch. 39 were transferred to other locations by ch. 97-238, ch. 98-403, and ch. 2000-139. Some of the material within the cited range can be found at parts VI, VIII, and XI of ch. 39, as redesignated by ch. 98-403 and ch. 2000-139, and ch. 984, as redesignated by ch. 97-238.

Note.--Former s. 39.447.

984.071 Information packet.--The Department of Juvenile Justice, in collaboration with the Department of Children and Family Services and the Department of Education, shall develop and publish an information packet that explains the current process under this chapter for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents of troubled or runaway children. In preparing the information packet, the Department of Juvenile Justice shall work with school district superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed. Each information packet shall be annually updated and shall be available for distribution by January 1, 1998. The school district shall distribute this information packet to parents of truant children and to other parents upon request or as deemed appropriate by the school district. In addition, the Department of Juvenile Justice shall distribute the information packet to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home or who runs away from home shall make the information available to the parent.

History.--s. 17, ch. 97-281; s. 67, ch. 98-280.

984.08 Attorney's fees.--

(1) The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent.

(a) The finding of indigency of any parent or legal guardian may be made by the court at any stage of the proceedings. Any parent or legal guardian claiming indigency shall file with the court an affidavit containing the factual information required in paragraphs (c) and (d).

(b) A parent or legal guardian who is unable to pay for the services of an attorney without substantial hardship to self or family is indigent for the purposes of this chapter.

(c) Before finding that a parent or legal guardian is indigent, the court shall determine whether any of the following facts exist, and the existence of any such fact creates a presumption that the parent or legal guardian is not indigent:

1. The parent or legal guardian has no dependents and has a gross income exceeding \$250 per week; or, the parent or legal guardian has dependents and has a gross income exceeding \$250 per week plus \$100 per week for each dependent.

2. The parent or legal guardian owns cash in excess of \$1,000.

3. The parent or legal guardian has an interest exceeding \$1,000 in value in a single motor vehicle as defined in s. 320.01.

(d) The court shall also consider the following circumstances before finding that a parent or legal guardian is indigent:

1. The probable expense of being represented in the case.

2. The parent's or legal guardian's ownership of, or equity in, any intangible or tangible personal property or real property or expectancy of an interest in any such property.

3. The amount of debts the parent or legal guardian owes or might incur because of illness or other misfortunes within the family.

(2) If, after the appointment of counsel for an indigent parent or legal guardian, it is determined that the parent or legal guardian is not indigent, the court has continuing jurisdiction to assess attorney's fees and costs against the parent or legal guardian, and order the payment thereof. When payment of attorney's fees or costs has been assessed and ordered by the court, there is hereby created a lien in the name of the county in which the legal assistance was rendered, enforceable as provided in subsection (3), upon all the property, both real and personal, of the parent or legal guardian who received the court-ordered appointed counsel under this chapter. The lien constitutes a claim against the parent or legal guardian and the parent's or legal guardian's estate in an amount to be determined by the court in which the legal assistance was rendered.

(3)(a) The lien created for court-ordered payment of attorney's fees or costs under subsection (2) is enforceable upon all the property, both real and personal, of the parent or legal guardian who is being, or has been, represented by legal counsel appointed by the court in proceedings under this chapter. The lien constitutes a claim against the person and the estate of the parent or legal guardian, enforceable according to law, in an amount to be determined by the court in which the legal assistance was rendered.

(b) Immediately after the issuance of an order for the payment of attorney's fees or costs, a judgment showing the name, the residential address, the date of birth, and either a physical description or the social security number of the parent or legal guardian must be filed for record in the office of the clerk of the circuit court in the county where the parent or legal guardian resides and in each county in which the parent or legal guardian then owns or later acquires any property. The judgment is enforceable on behalf of the county by the board of county commissioners of the county in which the legal assistance was rendered.

(c) Instead of the procedure described in paragraphs (a) and (b), the court is authorized to require that the parent or legal guardian who has been represented by legal counsel appointed by the court in proceedings under this chapter execute a lien upon his or her real or personal property, presently owned or after-acquired, as security for the debt created by the court's order requiring payment of attorney's fees or costs. The lien must be recorded in the public records of the county at no charge by the clerk of the circuit court and is enforceable in the same manner as a mortgage.

(d) The board of county commissioners of the county where the parent received the services of an appointed private legal counsel is authorized to enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debt or lien imposed under this section. A parent, who has been ordered to pay attorney's fees or costs and who is not in willful default in the payment thereof, may, at any time, petition the court which entered the order for remission of the payment of attorney's fees or costs or of any unpaid portion thereof. If the court determines that payment of the amount due will impose manifest hardship on the parent or immediate family, the court may remit all or part of the amount due in attorney's fees or costs or may modify the method of payment.

(e) The board of county commissioners of the county claiming the lien is authorized to contract with a collection agency for collection of such debts or liens, provided the fee for collection is on a contingent basis not to exceed 50 percent of the recovery. However, no fee may be paid to any collection agency by reason of foreclosure proceedings against real property or from the proceeds from the sale or other disposition of real property.

History.--s. 1, ch. 94-329; s. 5, ch. 95-267; s. 94, ch. 97-238.

Note.--Former s. 39.017.

1984.085 Sheltering unmarried minors; aiding unmarried minor runaways; violations.--

(1)(a) A person who is not an authorized agent of the Department of Juvenile Justice or the Department of Children and Family Services may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.

(b) A person may not knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.

(2) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 14, ch. 97-281.

Note.--Also published at s. 985.2065.

1984.086 Children locked out of the home; interagency cooperation.--The Department of Juvenile Justice and the Department of Children and Family Services shall encourage interagency cooperation within each circuit and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.

History.--s. 15, ch. 97-281; s. 15, ch. 2000-135.

Note.--Also published at s. 985.2066.

984.09 Punishment for contempt of court; alternative sanctions.--

(1) **CONTEMPT OF COURT; LEGISLATIVE INTENT.**--The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a secure facility, as authorized in this section, by order of the court.

(2) **PLACEMENT IN A SECURE FACILITY.**--A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure setting as provided under s. 984.226 if conditions of eligibility are met.

(3) **ALTERNATIVE SANCTIONS.**--Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

(4) **CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.**--

(a) If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.

(b) If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.
2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 985.203.
4. Right to confront witnesses.
5. Right to present witnesses.
6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a secure facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a secure facility as punishment for contempt of court.

(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license or driving privilege. The court may order that a child's driver's license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver's license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver's license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver's license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.

(5) ALTERNATIVE SANCTIONS COORDINATOR.--There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

History.--s. 95, ch. 97-238; s. 1, ch. 97-281; s. 2, ch. 2000-134; s. 16, ch. 2000-135.

984.10 Intake.--

(1) Intake shall be performed by the department. A report or complaint alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the parent or legal custodian, the local school district, a law enforcement agency, or the Department of Children and Family Services, having knowledge of the facts may make a report or complaint.

(2) A representative of the department shall make a preliminary determination as to whether the report or complaint is complete. The criteria for the completeness of a report or complaint with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 984.03(27). In any case in which the representative of the department finds that the report or complaint is incomplete, the representative of the department shall return the report or complaint without delay to the person or agency originating the report or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report or complaint.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and child services and treatment voluntarily accepted by the child and the parents or legal custodians, the departmental representative may refer the family or child to an appropriate service and treatment provider. As part of the intake procedure, the departmental representative shall inform the parent or legal custodian, in writing, of the services and treatment available to the child and family by department providers or community agencies and the rights and responsibilities of the parent or legal guardian under this chapter.

(4) If the department has reasonable grounds to believe that the child has been abandoned, abused, or neglected, it shall proceed pursuant to the provisions of chapter 39.

History.--s. 8, ch. 87-133; s. 3, ch. 88-319; s. 234, ch. 95-147; s. 4, ch. 95-152; s. 8, ch. 95-280; s. 22, ch. 96-398; s. 168, ch. 97-101; s. 96, ch. 97-238; s. 5, ch. 97-281; s. 68, ch. 98-280; s. 166, ch. 98-403; s. 17, ch. 2000-135.

Note.--Former s. 39.423.

984.11 Services to families in need of services.--

(1) Services and treatment to families in need of services shall be by voluntary agreement of the parent or legal guardian and the child or as directed by a court order pursuant to s. 984.22.

(2) These services may include, but need not be limited to:

- (a) Homemaker or parent aide services.
- (b) Intensive crisis counseling.
- (c) Parent training.
- (d) Individual, group, or family counseling.
- (e) Community mental health services.
- (f) Prevention and diversion services.
- (g) Services provided by voluntary or community agencies.

- (h) Runaway center services.
- (i) Housekeeper services.
- (j) Special educational, tutorial, or remedial services.
- (k) Vocational, job training, or employment services.
- (l) Recreational services.
- (m) Assessment.

(3) The department shall advise the parents or legal guardian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. The department shall set and charge fees for services and treatment provided to clients. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

(4) The department may file a petition with the circuit court to enforce the collection of fees for services and treatment rendered to the child or the parent and other legal custodians.

History.--s. 8, ch. 87-133; s. 4, ch. 90-53; s. 23, ch. 96-398; s. 97, ch. 97-238; s. 6, ch. 97-281.

Note.--Former s. 39.424.

984.12 Case staffing; services and treatment to a family in need of services.--

(1) The appropriate representative of the department shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services or treatment if:

- (a) The family or child is not in agreement with the services or treatment offered;
- (b) The family or child will not participate in the services or treatment selected; or
- (c) The representative of the department needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school district and a representative of the Department of Juvenile Justice, and may include a supervisor of the department's contracted provider; a representative from the area of health, mental health, substance abuse, social, or educational services; a representative of the state attorney; the alternative sanctions coordinator; and any person recommended by the child, family, or department.

(3) The case staffing committee shall reach a timely decision to provide the child or family with needed services and treatment through the development of a plan for services.

(4) The plan for services shall contain the following:

- (a) Statement of the problems.
- (b) Needs of the child.
- (c) Needs of the parents, guardian, or legal custodian.
- (d) Measurable objectives that address the identified problems and needs.
- (e) Services and treatment to be provided, to include:

- 1. Type of services or treatment.
- 2. Frequency of services or treatment.
- 3. Location.
- 4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

(5) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it shall be implemented as soon as is practicable.

(6) A case manager shall be designated by the case staffing committee to be responsible for implementing the plan. The case manager shall periodically review the progress towards achieving the objectives of the plan in order to:

- (a) Advise the case staffing committee of the need to make adjustments to the plan; or
- (b) Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(7) The parent, guardian, or legal custodian may convene a meeting of the case staffing committee, and any other member of the committee may convene a meeting if the member finds that doing so is in the best interest of the family or child. A case staffing committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the department's representative receives the request in writing.

(8) Within 7 days after meeting, the case staffing committee shall provide the parent, guardian, or legal custodian with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

History.--s. 8, ch. 87-133; s. 9, ch. 91-45; s. 19, ch. 95-267; s. 9, ch. 95-280; s. 4, ch. 96-369; s. 24, ch. 96-398; s. 98, ch. 97-238; s. 7, ch. 97-281.

Note.--Former s. 39.426.

984.13 Taking into custody a child alleged to be from a family in need of services or to be a child in need of services.--

(1) A child may be taken into custody:

- (a) By a law enforcement officer when the officer has reasonable grounds to believe that the child has run away from his or her parents, guardian, or other legal custodian.
- (b) By a law enforcement officer when the officer has reasonable grounds to believe that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian, for the purpose of delivering the child without unreasonable delay to the appropriate school system site. For the purpose of this paragraph, "school system site" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer shall deliver the child to the parent or legal guardian, to a location determined by the parent or guardian, or to a designated truancy interdiction site until

the parent or guardian can be located.

(c) Pursuant to an order of the circuit court based upon sworn testimony before or after a petition is filed under s. 984.15.

(d) By a law enforcement officer when the child voluntarily agrees to or requests services pursuant to this chapter or placement in a shelter.

(2) The person taking the child into custody shall:

(a) Release the child to a parent, guardian, legal custodian, or responsible adult relative or to a department-approved family-in-need-of-services and child-in-need-of-services provider if the person taking the child into custody has reasonable grounds to believe the child has run away from a parent, guardian, or legal custodian; is truant; or is beyond the control of the parent, guardian, or legal custodian; following such release, the person taking the child into custody shall make a full written report to the intake office of the department within 3 days; or

(b) Deliver the child to the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is from a family in need of services.

(3) If the child is taken into custody by, or is delivered to, the department, the appropriate representative of the department shall review the facts and make such further inquiry as necessary to determine whether the child shall remain in custody or be released. Unless shelter is required as provided in s. 984.14(1), the department shall:

(a) Release the child to his or her parent, guardian, or legal custodian, to a responsible adult relative, to a responsible adult approved by the department, or to a department-approved family-in-need-of-services and child-in-need-of-services provider; or

(b) Authorize temporary services and treatment that would allow the child alleged to be from a family in need of services to remain at home.

History.--s. 8, ch. 87-133; s. 1, ch. 89-20; s. 232, ch. 95-147; s. 6, ch. 95-280; s. 20, ch. 96-398; s. 99, ch. 97-238; s. 23, ch. 2000-235.

Note.--Former s. 39.421.

984.14 Shelter placement; hearing.--

(1) Unless ordered by the court pursuant to the provisions of this chapter, or upon voluntary consent to placement by the child and the child's parent, legal guardian, or custodian, a child taken into custody shall not be placed in a shelter prior to a court hearing unless a determination has been made that the provision of appropriate and available services will not eliminate the need for placement and that such placement is required:

(a) To provide an opportunity for the child and family to agree upon conditions for the child's return home, when immediate placement in the home would result in a substantial likelihood that the child and family would not reach an agreement; or

(b) Because a parent, custodian, or guardian is unavailable to take immediate custody of the child.

(2) If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of services or members of families in need of services and shall immediately notify the parents or legal custodians that the child was taken into custody.

(3) A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed with the court shall address each condition required to be determined in subsection (1).

(4) A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.

(5) Except as provided under s. 984.225, a child in need of services or a child from a family in need of services may not be placed in a shelter for longer than 35 days.

(6) When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(7) A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent children under any circumstances.

(8) The court may order the placement of a child in need of services into a staff-secure facility for no longer than 5 days for the purpose of evaluation and assessment.

History.--s. 8, ch. 87-133; s. 3, ch. 90-53; s. 6, ch. 90-208; s. 233, ch. 95-147; s. 7, ch. 95-280; s. 21, ch. 96-398; s. 100, ch. 97-238; s. 4, ch. 97-281.

Note.--Former s. 39.422.

984.15 Petition for a child in need of services.--

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department or by the child's parent, guardian, or legal custodian. If a child in need of services has been placed in a shelter pursuant to s. 984.14, the department shall file the petition immediately, including in the petition notice of arraignment pursuant to s. 984.20.

(2)(a) The department shall file a petition for a child in need of services if the case manager or staffing committee requests that a petition be filed and:

1. The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 984.11 and 984.12; or

2. The family or child have refused all services described in ss. 984.11 and 984.12 after reasonable efforts by the department to involve the family and child in services and treatment.

(b) Once the requirements in paragraph (a) have been met, the department shall file a petition for a child in need of services within 45 days.

(c) The petition shall be in writing, shall state the specific grounds under s. 984.03(9) by which the child is designated a child in need of services, and shall certify that the conditions prescribed in paragraph (a) have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, guardian, or legal custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, guardian, or legal custodian.

3. The parent, guardian, or legal custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 984.12(8).

(b) The parent, guardian, or legal custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services as defined in s. 984.03(9). The petition must also demonstrate that the parent, guardian, or legal custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 984.11 and 984.12.

(d) The petition must be signed by the petitioner under oath.

(e) The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

1. The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;
2. The subject of a pending referral alleging that the child is delinquent; or
3. Under the current supervision of the department or the Department of Children and Family Services for an adjudication of delinquency or dependency.

(4) The form of the petition and any additional contents shall be determined by rules of procedure adopted by the Supreme Court.

(5) The department or the parent, guardian, or legal custodian may withdraw a petition at any time prior to the child being adjudicated a child in need of services.

History.--s. 8, ch. 87-133; s. 11, ch. 92-170; s. 235, ch. 95-147; s. 5, ch. 95-152; s. 26, ch. 96-398; s. 101, ch. 97-238; s. 8, ch. 97-281; s. 69, ch. 98-280; s. 167, ch. 98-403.

Note.--Former s. 39.436.

984.151 Truancy petition; prosecution; disposition.--

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 232.17(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools may file a truancy petition.

(2) The petition shall be filed in the circuit in which the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special master pursuant to Supreme Court rules. Upon the filing of the petition, the clerk shall issue a summons to the parent, guardian, or legal custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent or guardian shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall order the student to attend school and the parent to ensure that the student attends school, and may order any of the following: the student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months; the student and the student's parent or guardian to participate in homemaker or parent aide services; the student or the student's parent or guardian to participate in intensive crisis counseling; the student or the student's parent or guardian to participate in community mental health services if available and applicable; the student and the student's parent or guardian to participate in service provided by voluntary or community agencies as available; and the student or the student's parent or guardian to participate in vocational, job training, or employment services.

(8) If the student does not successfully complete the sanctions ordered in subsection (7), the case shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a child-in-need-of-services petition under s. 984.15.

(9) The parent, guardian, or legal custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

History.--s. 75, ch. 99-398; s. 24, ch. 2000-235.

984.16 Process and service.--

(1) Personal appearance of any person in a hearing before the court shall obviate the necessity of serving process on that person.

(2) Upon the filing of a petition containing allegations of facts which, if true, would constitute the child therein being named a child in need of services, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(3) The summons shall require the person on whom it is served to appear for a hearing at a time and place specified. Except in cases of medical emergency, the time shall not be less than 24 hours after service of the summons. The summons may require the custodian to bring the child to court if the court determines that the child's presence is necessary. A copy of the petition shall be attached to the summons.

(4) The summons shall be directed to, and shall be served upon, the following persons:

- (a) The parents.
- (b) The legal custodian, actual custodian, and guardian ad litem.
- (c) The child.

(5) The jurisdiction of the court shall attach to the child and the parent, custodian, or legal guardian of the child and the case when the summons is served upon the child or a parent or legal or actual custodian of the child or when the child is taken into custody with or without service of summons and after filing of a petition for a child in need of services, and thereafter the court may control the child and case in accordance with this chapter.

(6) Upon the application of a party or the petitioner, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing.

(7) All process and orders issued by the court shall be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the department.

(8) Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding.

(9) No fee shall be paid for service of any process or other papers by an agent of the department. If any process, orders, or other papers are served or executed by any sheriff, the sheriff's fees shall be paid by the county.

(10) If the party to whom an order is directed is present or represented at the final hearing, service of such order shall not be required.

History.--s. 8, ch. 87-133; s. 12, ch. 92-170; s. 28, ch. 96-398; s. 102, ch. 97-238; s. 70, ch. 98-280.

Note.--Former s. 39.437.

984.17 Response to petition and representation of parties.--

(1) At the time a petition is filed, the court may appoint a guardian ad litem for the child.

(2) No answer to the petition or any other pleading need be filed by any child, parent, or legal custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the child or parent shall, prior to an adjudicatory hearing, be advised by the court of the right to counsel.

(3) When a petition for a child in need of services has been filed and the parents, guardian, or legal custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for a disposition hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.

(4) An attorney representing the department shall represent the state in any proceeding in which the petition alleges that a child is a child in need of services and in which a party denies the allegations of the petition and contests the adjudication.

History.--s. 8, ch. 87-133; s. 13, ch. 92-170; s. 236, ch. 95-147; s. 29, ch. 96-398; s. 103, ch. 97-238; s. 9, ch. 97-281.

Note.--Former s. 39.438.

984.18 Referral of child-in-need-of-services cases to mediation.--

(1) At any stage in a child-in-need-of-services proceeding, the case staffing committee or any party may request the court to refer the parties to mediation in accordance with chapter 44 and rules and procedures developed by the Supreme Court.

(2) A court may refer the parties to mediation.

(3) The department shall advise the parties or legal guardians that they are responsible for contributing to the cost of the child-in-need-of-services mediation to the extent of their ability to pay.

(4) This section applies only to courts in counties in which child-in-need-of-services mediation programs have been established and does not require the establishment of such programs in any county.

History.--s. 23, ch. 94-164; s. 27, ch. 96-398; s. 104, ch. 97-238.

Note.--Former s. 39.4365; s. 39.4431.

984.19 Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent, guardian, or person requesting custody of child.--

(1) When any child is to be placed in shelter care, the department is authorized to have a medical screening performed on the child without authorization from the court and without consent from a parent or guardian. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When the department has performed the medical screening authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent or guardian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or guardian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or guardian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department has the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Family Services. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 230.2316.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately called or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, nothing in this section shall be deemed to eliminate the right of a parent, a guardian, or the child to consent to

examination or treatment for the child.

(7) Except as otherwise provided herein, nothing in this section shall be deemed to alter the provisions of s. 743.064.

(8) A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) Nothing in this section shall be construed to authorize the permanent sterilization of the child, unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this section, no child alleged to be or found to be a child from a family in need of services or a child in need of services shall be placed in a detention facility or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents or guardian of a child alleged to be or adjudicated a child in need of services remain financially responsible for the cost of medical treatment provided to the child even if one or both of the parents or if the guardian did not consent to the medical treatment. After a hearing, the court may order the parents or guardian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) Nothing in this section alters the authority of the department to consent to medical treatment for a child who has been committed to the department pursuant to s. 984.22(3) and (4) and of whom the department has become the legal custodian.

(13) At any time after the filing of a petition for a child in need of services, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

History.--s. 8, ch. 87-133; s. 237, ch. 95-147; s. 30, ch. 96-398; s. 170, ch. 97-101; s. 105, ch. 97-238.

Note.--Former s. 39.439; s. 39.446.

984.20 Hearings for child-in-need-of-services cases.--

(1) ARRAIGNMENT HEARING.--

(a) When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody. The hearing shall be held for the child and the parent, guardian, or custodian to admit, deny, or consent to findings that a child is in need of services as alleged in the petition. If the child and the parent, guardian, or custodian admit or consent to the findings in the petition, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, guardian, or custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within 7 days after the date of the arraignment hearing.

(b) When a child is in the custody of the parent, guardian, or custodian, upon the filing of a petition, the clerk shall set a date for an arraignment hearing within a reasonable time from the date of the filing of the petition. If the child and the parent, guardian, or custodian admit or consent to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, guardian, or custodian denies any of the allegations of child in need of services, the court shall hold an adjudicatory hearing within a reasonable time from the date of the arraignment hearing.

(c) If at the arraignment hearing the child and the parent, guardian, or custodian consents or admits to the allegations in the petition and the court determines that the petition meets the requirements of s. 984.15(3)(e), the court shall proceed to hold a disposition hearing at the earliest practicable time that will allow for the completion of a predisposition study.

(2) ADJUDICATORY HEARING.--

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for a child in need of services is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. If the child is in custody, the adjudicatory hearing shall be held within 14 days after the date the child was taken into custody.

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is a child in need of services, a preponderance of evidence shall be required to establish that the child is in need of services.

(c) All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge who, in his or her discretion, may close any hearing to the public when the public interest or the welfare of the child, in his or her opinion, is best served by so doing. Hearings involving more than one child may be held simultaneously when the several children involved are related to each other or were involved in the same case. The child and the parent, guardian, or custodian of the child may be examined separately and apart from each other.

(3) DISPOSITION HEARING.--At the disposition hearing, if the court finds that the facts alleged in the petition of a child in need of services were proven in the adjudicatory hearing, the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider.

(a) The predisposition study shall cover:

1. All treatment and services that the parent, guardian, or custodian and child received.
2. The love, affection, and other emotional ties existing between the parents and the child.
3. The capacity and disposition of the parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.
4. The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
5. The permanence, as a family unit, of the existing or proposed custodial home.
6. The moral fitness of the parents.
7. The mental and physical health of the family.
8. The home, school, and community record of the child.
9. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.
10. Any other factor considered by the court to be relevant.

(b) The predisposition study also shall provide the court with documentation regarding:

1. The availability of appropriate prevention, services, and treatment for the parent, guardian, custodian, and child to prevent the removal of the child from the home or to reunify the child with the parent, guardian, or custodian after removal or to reconcile the problems between the parent, guardian, or custodian and the child;
2. The inappropriateness of other prevention, treatment, and services that were available;
3. The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the parent, guardian, or custodian if appropriate services were available;
4. Whether the services were provided;
5. If the services and treatment were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home;
6. If the services and treatment were not provided, the reasons for such lack of provision; and
7. The need for, or appropriateness of, continuing such treatment and services if the child remains in the custody of the parent, guardian, or custodian or if the child is placed outside the home.

(c) If placement of the child with anyone other than the child's parent, guardian, or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent, guardian, or custodian shall be reconsidered.

(d) A copy of this predisposition study shall be furnished to the person having custody of the child at the time such person is notified of the disposition hearing.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), nothing in this section shall prohibit the publication of proceedings in a hearing.

(4) REVIEW HEARINGS.--

(a) The court shall hold a review hearing 45 days after the disposition hearing. Additional review hearings may be held as necessary, but no less than 45 days after the date of the last review hearing.

(b) At the review hearings, the court shall close the case if the child has substantially complied with the case plans and court orders and no longer requires continued court supervision, subject to the case being reopened. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services reviewed by the court as needed, but no less than 45 days after the date of the last review hearing.

History.--s. 8, ch. 87-133; s. 238, ch. 95-147; s. 31, ch. 96-398; s. 106, ch. 97-238; s. 10, ch. 97-281; s. 71, ch. 98-280.

Note.--Former s. 39.44.

984.21 Orders of adjudication.--

(1) If the court finds that the child named in a petition is not a child in need of services, it shall enter an order so finding and dismissing the case.

(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court later finds that the parent, guardian, or custodian of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(3) If the court finds that the child named in a petition is a child in need of services, but elects not to proceed under subsection (2), it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

(4) An order of adjudication by a court that a child is a child in need of services shall not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

History.--s. 8, ch. 87-133; s. 239, ch. 95-147; s. 107, ch. 97-238; s. 72, ch. 98-280.

Note.--Former s. 39.441.

984.22 Powers of disposition.--

(1) If the court finds that services and treatment have not been provided or utilized by a child or family, the court having jurisdiction of the child shall have the power to direct the least intrusive and least restrictive disposition, as follows:

(a) Order the parent, guardian, or custodian and the child to participate in treatment, services, and any other alternative identified as necessary.

(b) Order the parent, guardian, or custodian to pay a fine or fee based on the recommendations of the department.

(2) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child and parent, guardian, or custodian shall have the power, by order, to:

(a) Place the child under the supervision of the department's contracted provider of programs and services for children in need of services and families in need of services. "Supervision," for the purposes of this section, means services as defined by the contract between the department and the provider.

(b) Place the child in the temporary legal custody of an adult willing to care for the child.

(c) Commit the child to a licensed child-caring agency willing to receive the child and to provide services without compensation from the department.

(d) Order the child, and, if the court finds it appropriate, the parent, guardian, or custodian of the child, to render community service in a public service program.

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, a licensed child-caring agency, the Department of Juvenile Justice, or the Department of Children and Family Services, the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the Department of Juvenile Justice, or the Department of Children and Family Services. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The

department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

(4) All payments of fees made to the department pursuant to this chapter, or child support payments made to the department pursuant to subsection (3), shall be deposited in the General Revenue Fund. In cases in which the child is placed in foster care with the Department of Children and Family Services, such child support payments shall be deposited in the Community Resources Development Trust Fund.

(5) In carrying out the provisions of this chapter, the court shall order the child, family, parent, guardian, or custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary for the rehabilitation of the child.

(6) The participation and cooperation of the family, parent, guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its order.

History.--ss. 8, 12, ch. 87-133; s. 31, ch. 88-337; s. 18, ch. 93-120; s. 240, ch. 95-147; s. 32, ch. 96-398; s. 169, ch. 97-101; s. 108, ch. 97-238; s. 11, ch. 97-281; s. 73, ch. 98-280.

Note.--Former s. 39.442.

984.225 Powers of disposition; placement in a staff-secure shelter.--

(1) Subject to specific legislative appropriation, the court may order that a child adjudicated as a child in need of services be placed for up to 90 days in a staff-secure shelter if:

(a) The child's parent, guardian, or legal custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, guardian, or legal custodian;

(b) The child refuses to remain under the reasonable care and custody of his or her parent, guardian, or legal custodian, as evidenced by repeatedly running away and failing to comply with a court order; or

(c) The child has failed to successfully complete an alternative treatment program or to comply with a court-ordered sanction and the child has been placed in a residential program on at least one prior occasion pursuant to a court order under this chapter.

(2) This section applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.

(3) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(4) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level and educational ability.

(5) If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the staff-secure shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

(6) The department is deemed to have exhausted the reasonable remedies offered under this chapter if, at the end of the commitment period, the parent, guardian, or legal custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the commitment period, the child is not reunited with his or her parent, guardian, or custodian due solely to the continued refusal of the parent, guardian, or custodian to provide food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services and the child's care shall be governed under 1parts II and III of chapter 39.

(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall determine if the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Family Services and the child's care shall be governed under 1parts II and III of chapter 39.

(8) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the Department of Children and Family Services for the provision of necessary services.

History.--s. 12, ch. 97-281; s. 74, ch. 98-280; s. 3, ch. 2000-134.

1Note.--Provisions formerly in parts II and III of chapter 39 were, for the most part, repealed or transferred to other locations by ch. 98-403.

984.226 Physically secure setting.--

(1) Subject to specific legislative appropriation, the Department of Juvenile Justice shall establish physically secure settings designated exclusively for the placement of children in need of services who meet the criteria provided in this section.

(2) When a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court under this section. If the court decides to appoint counsel for the child and if the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 985.203. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.

(3) When a child is adjudicated as a child in need of services by a court, the court may order the child to be placed in a physically secure setting authorized in this section if the child has:

(a) Failed to appear for placement in a staff-secure shelter under s. 984.225, or failed to comply with any other provision of a valid court order relating to such placement and, as a result of such failure, has been found to be in direct or indirect contempt of court; or

(b) Run away from a staff-secure shelter following placement under s. 984.225 or s. 984.09.

The department or an authorized representative of the department must verify to the court that a bed is available for the child. If a bed is not available, the

court must stay the placement until a bed is available, and the department must place the child's name on a waiting list. The child who has been on the waiting list the longest has first priority for placement in the physically secure setting.

(4) A child may be placed in a physically secure setting for up to 90 days. If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the placement in a physically secure setting, the court may order that the child remain in the physically secure setting for an additional 30 days if the court finds that reunification could be achieved within that period.

(5)(a) The court shall review the child's placement once every 45 days as provided in s. 984.20.

(b) At any time during the placement of a child in need of services in a physically secure setting, the department or an authorized representative of the department may submit to the court a report that recommends:

1. That the child has received all of the services available from the physically secure setting and is ready for reunification with a parent or guardian; or
2. That the child is unlikely to benefit from continued placement in the physically secure setting and is more likely to have his or her needs met in a different type of placement.

(c) The court shall determine if the parent, guardian, or custodian has reasonably participated in and has financially contributed to the child's counseling and treatment program.

(d) If the court finds an inadequate level of support or participation by the parent, guardian, or custodian before the end of the placement, the court shall direct that the child be handled as a dependent child, jurisdiction shall be transferred to the Department of Children and Family Services, and the child's care shall be governed by chapter 39.

(e) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the Department of Children and Family Services for the provision of necessary services.

(6) Prior to being ordered to a physically secure setting, the child must be afforded all rights of due process required under s. 985.216. While in the physically secure setting, the child shall receive appropriate assessment, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with family counseling and other support services necessary for reunification.

(7) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

History.--s. 13, ch. 97-281; s. 75, ch. 98-280; s. 127, ch. 99-3; s. 4, ch. 2000-134; s. 1, ch. 2000-327.

984.23 Court and witness fees.--In all proceedings under this chapter, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition or any parent or legal custodian or child named in a summons. Other witnesses shall be paid the witness fees fixed by law.

History.--s. 8, ch. 87-133; s. 109, ch. 97-238; s. 76, ch. 98-280.

Note.--Former s. 39.4375.

984.24 Appeal.--The state, any child, or the family, guardian ad litem, or legal custodian of any child who is affected by an order of the court pursuant to this chapter may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure.

History.--s. 8, ch. 87-133; s. 33, ch. 96-398; s. 110, ch. 97-238; s. 77, ch. 98-280; s. 168, ch. 98-403.

Note.--Former s. 39.445; s. 39.4441.

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Appendix B

Florida Network of Youth and Families *Staff, Member Agencies & Shelters*

October 2000

Florida Network of Youth and Families State Office
2728 Pablo Avenue, Tallahassee, FL 32308-4211 (850) 922-4324 Fax: (850) 921-1778
Executive Director: Mary Dee Richter

Agencies

District 1 - First Circuit

Shelters

Lutheran Services Florida/ Northwest
Beth Deck, Area Director
Lutheran Youth and Family Services
4610 W. Fairfield Drive, Pensacola, FL 32506
Counties: Escambia, Okaloosa, Santa Rosa, Walton

Currie House
Patricia Powell, Residential Services Manager
4610 West Fairfield Drive, Pensacola, FL 32506
Counties: Escambia, Santa Rosa

HOPE House
Patricia Powell, Residential Services Manager
5127 Eastland Street, Crestview, FL 32536
Counties: Okaloosa, Walton

Agencies

District 2 - Fourteenth Circuit

Capital City Youth Services
Stacy Gromatski, Executive Director
2407 Roberts Avenue, Tallahassee, FL 32310
Counties: Franklin, Gadsden, Jefferson, Leon
Liberty, Madison, Taylor, Wakulla

Anchorage Children's Home of Bay County
Barbara Cloud, Executive Director
2121 Lisenby Avenue, Panama City, FL 32405
Counties: Bay, Calhoun, Gulf, Holmes,
Jackson, Washington

Shelters

Some Place Else Youth Shelter
Stella Johnson, Shelter Director
2407 Roberts Avenue, Tallahassee, FL 32310
Counties: Franklin, Gadsden, Jefferson,
Leon, Liberty, Madison, Taylor, Wakulla

Hide House
Elizabeth Parker, Shelter Director
2121 Lisenby Avenue, Panama City, FL 32405
Counties: Bay, Calhoun, Gulf, Holmes,
Jackson, Washington

Agencies

District 3 - Eighth Circuit

Corner Drug Store, Inc.
Jim Pearce, Executive Director
1300 N. W. 6th Street, Gainesville, FL 32601-4246
Counties: Alachua, Bradford, Columbia, Dixie, Gilchrest
Lafayette, Levy, Putnam, Suwannee, Union, Hamilton

Shelters

Interface-Central
Cassandra Evans, Program Coordinator
1400 Northwest 29th Road, Gainesville, FL 32605
Counties: Alachua, Columbia, Dixie,
Gilchrest, Lafayette, Levy, Suwannee

Interface-East
Melany Kearley, Program Coordinator
2919 Kennedy Street, Palatka, FL 32177
Counties: Putnam, Bradford, Union

Interface N.W.
Rhonda Lockwood, Program Coordinator
3120 Grandview Avenue, Lake City, FL 3205
Counties: Columbia, Hamilton, Lafayette, Dixie, Suwannee

Agencies

District 4 - Fourth Circuit

Shelters

Youth Crisis Center, Inc.
Tom Patania, President
87007 Beach Boulevard, Jacksonville, FL 3221
Counties: Baker, Clay, Duval, Nassau, St. Johns

South Side
Sybil Ansbacher, Professional Develop. Spec.
3015 Parental Home Road, Jacksonville, FL 32216
County: Baker, Clay, Duval, Nassau, St. Johns

Youth Crisis Center, Inc.
Alicia Nesfelrode, Program Coordinator
132/134 King Street, St. Augustine, FL 32085
County: St. Johns

Agencies

District 5 - Sixth Circuit

Family Resources, Inc.
Jane Harper, President/CEO
Post Office Box 13087, St. Petersburg, FL 33733
Counties: Pinellas, Manatee

Youth and Family Alternatives, Inc.
George Magrill, President/CEO
7524 Plathe Road, New Port Richey, FL 34653
County: Pasco

Shelters

Family Resources-South Shelter
TBA, Residential Supervisor
3821 5th Avenue North, St. Petersburg, FL 33713
County: Pinellas

Family Resources-North Shelter
Doug Spohn, Residential Supervisor
1622 Turner Street, Clearwater, FL 33756
County: Pinellas

Runaway Alternatives Project (RAP) House
Doug Leonardo, Program Manager
11451 Wildcat Lane, New Port Richey, FL 34654
Counties: Pasco, Hernando, Citrus, Sumter

Agencies

District 6 - Thirteenth Circuit

Hillsborough County Children's Services
Richard Tribunella, Executive Director
3110 Clay Mangum Lane, Tampa, FL 33618
County: Hillsborough

Family Resources Anne Melton, Executive Director
361 6th Avenue West, Bradenton, FL 34205
County: Manatee

Shelters

Haven W. Poe Runaway Shelter
Bill Hogan, Program Manager
207 Beach Place, Tampa, FL 33606
County: Hillsborough

Manatee Runaway/Youth Crisis Shelter
Bill Choate, Residential Supervisor
1001 9th Avenue West, Bradenton, FL 34205
County: Manatee

Agencies

Shelters

District 7 - Eighteenth Circuit

Crosswinds Youth Services, Inc.
Jan Lokay, President/CEO
Post Office Box 540625, Merritt Island, FL 32954
County: Brevard

Crosswinds Youth Shelter
Beth Kingry, Youth Shelter Director
60 McLeod Street, Merritt Island, FL 32953
County: Brevard

Orange Co Children & Family Intervention Svcs
Mike Robinson, Senior Program Manager
1718 East Michigan Avenue
Orlando, FL 32806
Counties: Orange, Osceola, Seminole

Family Services Program
Martin Bird, Program Manager
1800 East Michigan Avenue
Orlando, FL 32806
Counties: Orange, Osceola, Seminole

Agencies

District 7 - Eighteenth Circuit

Boys Town of Central Florida
Teresa Miles, Site Director
950 N. Central Avenue, Oviedo, FL 32765
County: Seminole

Children's Home Society
Jana Carrington, CINS/FINS Program Supervisor
2647 Michigan Avenue, Kissimmee, FL 34744
County: Osceola

Osceola County Children's Home
Karen Butler, Executive Director
2534 East Neptune Road, Kissimmee, FL 34744
County: Osceola
Patricia Lamasney - Designated FNYFS Member

Shelters

Boys Town of Central Florida
Leah Frankie, Shelter Coordinator
3500 South Sanford Avenue, Sanford, FL 32773
County: Seminole

Osceola Youth Shelter
Karen Butler, Executive Director
2534 East Neptune Road, Kissimmee, FL 34744
County: Osceola

Agencies

District 8B - Twentieth Circuit

Lutheran Services Florida/ District 8B
Tom Bamrick, Director of Statewide
Youth and Family Programs
281 South Airport Road, Naples, FL 34104
Counties: Charlotte, Collier, Glades, Hendry, Lee

Shelters

Oasis Youth and Family Center
John Lawson, Residential Services Manager
3634 Central Avenue, Fort Myers, FL 33901
Counties: Charlotte, Collier, Glades, Hendry, Lee

Charlotte Youth Shelter
John Lawson, Residential Services Manager
21307 Coulton Avenue, Port Charlotte, FL 33952
County: Charlotte

Agencies

District 8A - Twelfth Circuit

Shelters

YMCA Children, Youth & Family Services Inc.
Chris Card, President
25 N. School Avenue, Sarasota, FL 34237
Counties: DeSoto, Sarasota

Sarasota YMCA Youth / District 8A Shelter
Carrie Phelps, Program Director
1106 South Briggs, Sarasota, FL 34237
Counties: DeSoto, Sarasota

Agencies

District 9 - Fifteenth Circuit

Children's Home Society of Florida
Allison Metcalf, Executive Director
2100 45th Street-Park Plaza, West Palm Beach, FL 33407
County: Palm Beach

Shelters

Safe Harbor
Ellen Feir, Director of Residential Services
2908 Broadway, West Palm Beach, FL 33407
County: Palm Beach

Agencies

District 10 - Seventeenth Circuit

Broward Family Center
Tish Huckins, Residential Services Manager
4675 N. State Rd. 7, Lauderdale Lakes, FL 33319
County: Broward

Shelters

Lippman Youth Shelter
Tish Huckins, Residential Services Manager
221 N. W. 43rd Court, Oakland Park, FL 33309
County: Broward

Agencies

District 11 - Eleventh Circuit

Florida Keys Children's Shelter, Inc.
Kathy Tuell, Executive Director
73 High Point Road, Tavernier, FL 33070
County: Monroe

Shelters

Florida Keys Children's Shelter
Donn Berg, Residential Supervisor
73 High Point Road, Tavernier, FL 33070
County: Monroe

Miami Bridge Youth and Family Services
Stephanie Solovei, Executive Director
2810 N.W. South River Drive, Miami, FL 33125
County: Dade

Miami Bridge-Homestead/South Dade
Anna Gispert, Residential Coordinator
326 N.W. 3rd Avenue, Homestead, FL 33030
County: Dade

Switchboard of Miami
Christine Nolan, Program Director
444 Brickell Avenue, Suite 450, Miami, FL 33131
County: Dade

Miami Bridge - Central
Conrad Ruiz, Residential Coordinator
2810 N.W. South River Drive, Miami, FL 33125
County: Dade

Center for Family & Child Enrichment
T. Delores Dunn, Executive Director
1405 NW 167th Street, Suite 200, Miami, FL 33169
County: Dade

Excel
Jill Vovolar, Program Administrator
11025 SW 84th Street, Miami, FL 33173
County: Dade

Agencies

Shelters

District 12 - Seventh Circuit

Agency for Community Treatment (ACT) Corp.
Beth Gage, President/CEO
1220 Willis Avenue, Daytona Beach, FL 32114
Counties: Flagler, Volusia

BEACH House
Carolyn Wood, Vice President of JJ Services
1150 Red John Road, Daytona Beach, FL 32124 Counties:
Flagler, Volusia

Agencies

District 13 - Fifth Circuit

Arnette House
Jackie Clem, Executive Director
2310 N.E. 24th Street, Ocala, FL 34470
Counties: Lake, Marion

Shelters

Arnette House
Willie Morris, Residential Director
2310 Northeast 24th Street, Ocala, FL 34470
Counties: Lake, Marion

Youth and Family Alternatives, Inc
George Magrill, President/CEO
4034 Commercial Way - Hwy 19, Springhill, FL 34606
Counties: Citrus, Hernando, Sumter

Arnette House
Porcha Green, Residential Director
1335 North Shore Drive, Leesburg, FL 34748
Counties: Lake Marion

Agencies

District 14 - Tenth Circuit

Youth and Family Alternatives, Inc.
George Magrill, President/CEO
7522 Plathe Road, New Port Richey, FL 34653
Counties: Hardee, Highlands, Polk

Shelters

Cornerstone Youth Shelter
TBA, Program Manager
5400 Bethlehem Road, Mulberry, FL 33860
Counties: Hardee, Highlands, Polk

Agencies

District 15 - Nineteenth Circuit

Children's Home Society
Larry Wilms, Executive Director
Amanda McGee Regional Dir.
415 Avenue A, Suite 101, Fort Pierce, FL 34950
Counties: Indian River, Martin, Okeechobee, St. Lucie

Shelters

Wave C.R.E.S.T.
Margaret Doman, Shelter Supervisor
4520 Selvitz Road, Ft. Pierce, FL 34946
Counties: Indian River, Martin

Associate Member

Miami's River of Life
George Ellis, Jr., Executive Director
7900 NE 2nd Avenue
Miami, FL 33138

Affiliate Members

African American Leadership Council, Inc
 Bilal F. Habeeb-ullah, Executive Director
 1002 North Greenwood Avenue
 Clearwater, FL 34615

Milk 'n Honey
 Sonya Culliver, Director
 P.O. Box 1443
 Pensacola, FL 32597-1443

Boys Home Association
 Rob Brown, Executive Director
 2354 University Boulevard, N.
 Jacksonville, FL 32211

100 Black Men of Jacksonville, Inc.
 Marion Graham, Project Director
 P.O. Box 2065
 Jacksonville, FL 32203

Covenant House
 David Spellman, Executive Director
 733 Breakers Avenue
 Fort Lauderdale, FL 33304

O.U.R. Children First
 Don Stocker, Executive Director
 517 S. Ridgewood Ave.
 Daytona Beach, FL 32114

Hurricane Island Outward Bound School
 Mike Muley, Director of Southern Programs
 177 Salem Court
 Tallahassee, FL 32301

Pinellas Care, Inc.
 Micki Thompson, Program Manager
 P.O. Box 11538
 St. Petersburg, FL 33733

Appendix C

**Florida Network of Youth and Families
*Risk Factor Survey***

Risk Factor Survey

(Do not complete for any Foster Care or youth under the supervision of DCF)

Youth Identifiers (please print legibly)

First Name

Last Name

Date of Birth

Circle the appropriate choice

Race of Youth

- A. American Indian
- B. Asian/PI
- C. Black, Non-Hispanic/Latino
- D. Black Hispanic
- E. White Hispanic
- F. White, Non-Hispanic

Gender

- A. Male
- B. Female

Check the active program

- Shelter
- Non-Residential
- Staff Secure
- Physically Secure

Social Security Number: _____

Zip code of Residence: _____

Social Security Number: _____

Zip code of Residence: _____

Completed by: _____

Date Completed _____

Name of Staff Member (please print)

NetMIS Center ID: 04FL00

Agency Name: _____

RISK FACTORS

COMMUNITY

YES Check only **if** applicable

1. Are any of the youth's primary caretakers currently unemployed?

2. Has the youth witnessed a violent crime in their community?

SCHOOL

3. Has the youth ever failed a grade or 2 or more classes in the past 6 months?

4. Has the youth dropped out of school?

5. Has the youth been chronically truant (15/90 days or more) in the most recent school semester?

6. Has the youth been suspended within the past 6 months?

7. Has the youth been expelled in the past year?

8. Is the youth currently expelled?

FAMILY

Abuse/Neglect

9. Has there been a child abuse investigation of the family?

10. Has the youth ever lived in a foster care setting, e.g., relatives, foster home, group home, etc.?

11. Does the youth state/describe that he/she has been abused or neglected?

12. Has the youth been a witness to Domestic Violence? (DV = a physical fight between adults in the household)

YES Check only **if** applicable

FAMILY

Supervision & Structure

- 13. Does the youth live with a single caretaker?
(Single = one; does not include mom and stepfather or boyfriend)
- 14. Have parents or siblings of youth ever been in jail or prison?
- 15. Is youth currently involved in after school activities/programs?
- 16. Do the youth's parents usually know where the youth is and what he/she is doing?
- 17. Have you ever spent the night away from home when your parents didn't know where you were?
- 18. Does the youth's caretaker(s) abuse drugs/alcohol or have a mental illness?

INDIVIDUAL

Alcohol and drugs

- 19. Has the youth used alcohol, drugs or tobacco 3 or more times in the past month?
- 20. Has the youth been referred for or received previous treatment for use of drugs or alcohol?

Antisocial Behavior

- 21. Has the youth been arrested or adjudicated delinquent?
- 22. Does the youth have a history of running away or is a currently a runaway?
- 23. Is the youth now or ever been a gang member?
- 24. Has the child ever been arrested or disciplined at school for stealing?

Mental Health

- 25. In the past 6 months, has the youth been admitted to a Crisis Stabilization Unit or other in-patient treatment center?
- 26. Does the youth have a history of suicide ideation or attempts?
- 27. Is the youth currently taking medication for mental health issues?

27. Is the youth currently taking medication for mental health issues?

28. Has the youth or his family ever gone to counseling or received any social services, excluding health and financial assistance? (Prior to receiving current services)

* Much of this information may be obtained through the psycho-social assessment and other documentation contained within the client file. It may not be appropriate to ask some of these question directly of the youth.

Youth Name _____

Date _____

Agency _____

ENDNOTES

- 1 http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0984/ch0984.htm; accessed 8/15/01.
- 2 Amounts extracted from a Florida Network spreadsheet entitled Program Cost Analysis for Contracted Prevention Programs, FY 1999/2000. Their sources for this data were DJJ and the Florida Department of Education.
- 3 Florida Network of Youth and Family Services, 1999-2000 Data Profile, "Services Provided by Program Type and Agency," extract date: 9/30/2000.
- 4 The Florida Network only began capturing case management services in their data system the last month of FY 99-00. In FY 00-01, they report delivering 13,591 case management services.
- 5 Michael Schumacher and Gwen Kurz, *The 8% Solution*, (Thousand Oaks, CA: Sage Publishing, Inc., 2000), p 6.
- 6 Ibid, p 18.
- 7 Ibid, p 7.
- 8 Ibid, p 8.
- 9 Professor Tim Craven, Faculty of Information and Media Studies, University of Western Ontario, London, Ontario , Canada, N6A 5B7. <http://instruct.uwo.ca/fim-lis/504/index.htm>
- 10 Florida Network of Youth and Families, *Improving the State of our Children*.
- 11 Florida Network of Youth and Family Services, "Issues at Intake by Program Type and Agency for FY 1999-2000," 1999-2000 Data Profile.
- 12 Estimate was based on data in the Florida Department of Juvenile Justice, 2001 Outcome Evaluation Report, p. 13.
- 13 Ibid, p. 25-26.
- 14 Ibid, pp 9-13.
- 15 Ibid, 31-39.
- 16 Florida Department of Juvenile Justice, 2001 Outcome Evaluation Report, pp. 44-46.
- 17 Florida Department of Juvenile Justice, 2001 Outcome Evaluation Report, March 2001, page 14. This document does not describe what "success" means.
- 18 Florida Department of Juvenile Justice web site, <http://djj.state.fl.us/statsnresearch/keytrends.html>, accessed 8/14/2001.
- 19 Ibid.
- 20 Ibid.
- 21 Ibid.
- 22 Florida Department of Juvenile Justice, *Fiscal Impact of Reducing Juvenile Crime*, September 2000, page 4.
- 23 Ibid, p 6.
- 24 Ibid, p 8.
- 25 Florida Department of Juvenile Justice web site: <http://djj.state.fl.us/myflorida/publicsafety/learn/jjfrequentqa.html>, April 24, 2001.
- 26 Florida Department of Corrections, 1999-00 Annual Report, p. 20.
- 27 Florida Department of Juvenile Justice, 2001 Outcome Evaluation Report, March 2001, pp 11- 12.

This report was researched and written by Louise Horkan, Research Analyst,
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T. O'Neal Douglas, Chairman; Dominic M. Calabro, President and Publisher.

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