

CSTORAGE NAME: h1031s1.jj

DATE: April 4, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUVENILE JUSTICE
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1031

RELATING TO: Juveniles

SPONSOR(S): Committee on Juvenile Justice and Rep.Crist, Lynn and others

STATUTE(S) AFFECTED: s. 39.0145, s. 39.044, s. 39.054, s. 39.422, s. 39.423, s. 39.424, s. 39.426, s. 39.436, s. 39.438, s. 39.44, s. 39.442, s. 39.4421, s. 39.4422, F.S.

COMPANION BILL(S): CS/CS/CS/SB 278

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) Juvenile Justice YEAS 4 NAYS 0
- (2) Finance and Taxation
- (3) Criminal Justice Appropriations
- (4)
- (5)

I. SUMMARY:

The bill requires that DJJ, schools, and law enforcement agencies provide parents be provided with written information about the CINS/FINS process and their rights and responsibilities. Parents may convene a DJJ case staffing committee and be provided a written report from DJJ regarding services and whether DJJ will file a CINS petition. The bill permits parents to file a CINS petition under certain conditions.

The court may direct the Department of Highway Safety and Motor Vehicles (DHSMV) to withhold or suspend (1 year for a first offense and 2 years for subsequent offenses) the driver's license of a youth found in contempt of court. The court may direct DHSMV to issue a driver's license restricted for business and employment purposes only.

The bill permits the court to place a CINS in a 90-day staff-secure facility if the youth's parents deny care as a result of the youth's chronic runaway or disruptive behavior. Should the parents' denying of care persists, the court may transfer the jurisdiction of the CINS case from DJJ to the Department of Children and Family Services (DCF) to be handled as a dependency matter.

The bill authorizes DJJ to employ a registered collection agency to collect from parents delinquent or unpaid fees ordered by the court for the cost of treatment and services for delinquency and CINS/FINS care.

The bill permits the court to place a CINS youth in direct or indirect contempt of court in a physically-secure facility under certain conditions. DJJ is required to establish a pilot program to establish physically-secure facilities in one judicial circuit .

DJJ estimates that \$2,326,875 is needed for 6 months operation of a staff-secure shelter for CINS, \$520,125 is needed for operation of the contempt of court pilot program, and \$35,000 is needed to expand the current toll-free runaway hotline. DCF estimates that \$1,204,500 is

STORAGE NAME: h1031s1.jj

DATE: April 4, 1997

PAGE 2

needed for programs and specialized services for transferring jurisdiction of CINS from DJJ to DCF.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Children In Need of Services/Family's In Need of Services

Statutory requirements for the Children in Need of Services/Family's in Need of Services (CINS/FINS) program are found in Part IV, Chapter 39, F.S. Family in need of services is defined as a family with a child who is a truant, runaway, or ungovernable, who is not under supervision for dependency or delinquency, has no pending referral for services, and has not yet been to court. Services as referred to in Part IV are provided by the Department of Juvenile Justice (DJJ) and contracted providers. The purpose of the program is to provide an array of specialized services with emphasis on parental responsibility and the family to serve the needs of truants, runaways and ungovernables separate from dependents and delinquents. Judicial intervention in these cases is supposed to be limited to situations in which a resolution to the child's and family's problems cannot be achieved through voluntary participation in services.

When a child and family are referred for services, a DJJ counselor assesses the child's situation at intake as required by s. 39.423, F.S., and may refer the child and family for intervention services. Over thirteen types of services including counseling and treatment are expressed in this section and parental financial responsibility. According to the Senate Interim Report, parents are "frustrated with the lack of readily available information regarding community resources and available options" and should be given information packets informing them of available resources and services. Participation in these services by the child and family is voluntary unless a child is adjudicated to be a CINS and ordered to participate.

The Florida Network of Youth and Family Services is a non-profit statewide association representing agencies that contract with the Department of Juvenile Justice to serve Children in Need of Services (CINS) and Families in Need of Services (FINS). This network of providers run the shelters that house runaway youths, as well as provide counseling services for youths and their families, intake and assessment, and case management. These shelters are staff secure with 24 hour staff supervision, but are not physically secure with locked doors or windows. In 1995 the CINS/FINS network of providers served 56,068 youth, of which 19,512 were served through direct services.

Case Staffing

Section 39.426, F.S., provides that a case staffing, in which the family and child participate, should be held if the family and child are not in agreement with the voluntary services offered, the family will not participate in the services or the staff needs assistance in developing a case plan. When a case staffing committee is convened, a plan for services is developed, and the family and child must accept or reject the services in writing. The committee is directed to make a recommendation to DJJ that a CINS petition be filed if all other alternatives have been exhausted. The department must then file a petition if the family has in good faith but unsuccessfully used the services or has refused all services after reasonable efforts to involve the CINS/FINS. With one exception for the State Attorney, only DJJ is authorized to file a CINS petition upon request of the case staffing committee or DJJ district manager.

An informal survey of shelter providers conducted by Senate staff as part of a 1996 interim project found that case staffings are routinely held in some districts and are virtually never held in others. Over the past several years there has also been a serious problem with getting CINS petitions filed in certain parts of the state due, in large part, to a shortage of DJJ attorneys, a situation which is now being remedied.

CINS and the Judicial System

Prior to 1996, the law provided that parents could request and that DJJ must then file a CINS petition, but DJJ found that some petitions requested by parents did not meet statutory criteria. The 1996 Legislature deleted the provision requiring the department to file a petition upon request of the family, youth, or an individual member of the case staffing committee, (ch. 96-398, L.O.F.).

According to DJJ this was a necessary revision to reduce the number of petitions filed that do not meet the statutory requirements. According to the Senate interim report, the Juvenile Section of the Florida Conference of Circuit Judges recommended that parents should be given authority to file a CINS petition with the court. In addition, parents expressed in testimony to Senate staff that they concur with the conference recommendations to permit parents to file CINS petition.

According to DJJ, it has a shortage of attorneys to file CINS/FINS petitions. The department reports they lacked funding and had only one attorney on staff from creation in 1994 up to FY 1996. Five attorneys are now on staff and the department expects five more in the near future. Also reported by the department, 130 petitions have been filed in a four month period since the additional attorneys have been on staff. These attorneys also participate in case staffing meetings leading to a reduction in the number of inappropriately filed petitions.

Section 39.44, F.S., provides a description of the hearings required once a petition is filed. After the arraignment and adjudicatory hearing is held, the disposition hearing is held to review the pre-disposition report, evaluate the circumstances and environment, and determine placement of the child. The court may order the least intrusive and least restrictive disposition, allow the child to remain in the home, order participation in treatment or services, or place the child outside the home. Parental participation in counseling may be required by the court with contempt of court sanctions to enforce the order. If the child is placed in residential care of a provider, this placement is statutorily limited to 35 days.

Lockouts and Chronic Runaways

“Lockouts” are youths whose families, although capable of caring for their basic needs of shelter, food and clothing, refuse to do so for a variety of reasons relating to the youths’ disruptive behavior. Many fit the definition of CINS youths, but the fact that they have been refused care by their parents means that many also come to the attention of the child protection system. The Departments of Juvenile Justice (DJJ) and Children and Family Services (CFS) both have an interest in these youths, but the absence of clear lines of jurisdiction and the occasional lack of cooperation between the two departments (in addition to insufficient resources) have made serving these youths and their families difficult in some districts. Relationships within families with locked-out youths are often

so strained that the current short-term residential placement provided by the network of CINS providers is not long enough to resolve the problems.

Oftentimes, runaways who repeatedly run and will not remain in a facility long enough to be successfully treated may endanger themselves while on the run. Currently, law allows a staff-secure placement which is sufficient for most but not all of these youths. Current law does not permit the court to place a CINS in a physically secure facility.

Truants

Current Florida law defines habitually truant in s. 39.01, F.S., for use in juvenile justice and CINS/FINS procedures, and defines habitually truant in s. 232.17, F.S., for education purposes and school attendance procedures. Both sections define a habitual truant as a student who has 15 unexcused absences within a 90 day period. In s. 39.01(73), F.S., a child is habitually truant after the child has 15 unexcused absences and after the school administration has established the following: a minimum of 3 unexcused absences within 90 days; the attendance assistant or social worker has held one or more meetings with the parent or guardian; educational counseling and evaluations have been provided; or the child has been referred to CINS/FINS or case staffing.

If the parent or legal guardian fails or refuses to participate in the activities to remedy the truant behavior, the parent or legal guardian has committed a first degree misdemeanor prescribed in 232.19, F.S.

Contempt Sanctions

Indirect contempt of court is an act violating a valid court order, such as an order to attend school or not to run away, which occurs outside the presence of the court as opposed to direct contempt of court. Direct contempt of court is a disrespectful act, such as cursing at a judge, which occurs in the presence of the court. Currently, CINS/FINS may be held in a staff-secure shelter for 5 days on the first offense and 15 days on a subsequent offense.

Federal law prohibits placing a child in need of services in physically secure facilities, but does provide an exception in those cases of indirect contempt for violation of a valid court order [Juvenile Justice and Delinquency Prevention Act of 1974, s. 223, 42 U.S.C. s. 5633 (1996)]. The federal rules contain detailed requirements for establishing the validity of a court order and according due process to the youths. Federal law provides an incentive for compliance to this law by linking the requirement to a state's eligibility for federal funding.

To comply with federal law and to be eligible for funding, Florida law does not provide the court the option to place a CINS in a physically secure facility. When a CINS violates a court order and is in indirect contempt of the court, under the Federal law exception they may be placed in a physically secure facility. However, Florida law does not provide this exception. Current practice limits use of secure facilities to housing delinquents and traffic offenders.

Section 39.0145, F.S., provides punishment for contempt of court including placement in a staff secure facility or alternative sanctions including community service. However,

there are no current laws allowing the court to sanction a CINS in contempt of court by withholding or suspending the child's driver's license.

Juvenile Alternative Sanctions Coordinator

Section 39.0145, F.S., requires each judicial circuit (20) to have a juvenile alternative sanctions coordinator (JASC). The JASC's are designated to recommend alternative sanctions to detention as punishment for youth found in contempt of court. This position creates a balance between the due process rights of juveniles and the need to maintain public safety by utilizing and coordinating local programs available to the community for alternative sanctions [Juvenile Alternative Sanctions Coordinator Report, 1997]. Some alternatives that may be recommended by the JASC include educational, therapeutic, preventive, or punitive programs.

Fee Collection

Current law allows the court to order parents of delinquent or CINS youths to pay fees to DJJ for costs incurred due to detention and commitment care. Parents are also responsible for contributing to the cost of services and treatment to the extent they are able.

The 1996 legislature authorized the Department of Children and Family Services (CFS) to employ the services of a registered collection agency to collect delinquent or unpaid fees. CFS was given authorization by the 1996 Legislature to employ a collection agency for collection of delinquent fees payable to the agency, however data is not available to assess implementation of this policy. The fee paid to the collection agency is to be paid by the department from the amount collected (s. 402.33, F.S.). CFS anticipates a significant increase in fees collected. According to the Senate interim study, in FY 1995-96, DJJ collected \$78,720 in delinquent fees for the care, maintenance and support of CINS or delinquent children.

Harboring a Runaway

Nothing in current law specifically criminalizes the act of harboring a runaway. Section 827.04, F.S., however, makes it a first degree misdemeanor to commit an act which causes or contributes to a youth becoming a delinquent, dependent or a child in need of services.

Section 787.03, F.S., makes it a third degree felony to knowingly or recklessly take or entice, or aid or abet another to take or entice, without lawful authority, any youth 17 years of age or younger from the custody of his parent, guardian, or public agency having legal charge of the youth.

Suspension of a Driver's License

In s. 322.28, F.S., subsection (1) states unless otherwise provided for by this section a driver's license is not to be suspended for more than 1 year by the Department of Highway Safety and Motor Vehicles. In addition, subsection (4) provides sanctions for failure to surrender a revoked or suspended driver's license.

Current law under s. 322.271, F.S., authorizes the department to revoke, cancel or suspend a driver's license and issue a restricted license to such person for business and employment purposes only. This provision does not include educational purposes.

Section 322.251(1) and (2), F.S., requires certain procedures for noticing an individual of suspension, cancellation, revocation or disqualification of a driver's license. Notice may be given by United States mail, and after the 20th day from the date deposited in the mail, the license privilege may be taken away.

B. EFFECT OF PROPOSED CHANGES:

Children In Need of Services/Family's In Need of Services

The bill requires the DJJ intake staff to provide written information to the parent or legal custodian of a child. This information is to include services and treatment offered by the department and the community, as well as, the rights and responsibilities of the parent or legal guardian.

Case Staffing

The bill allows local school districts to appoint a representative rather than limiting it to a representative of the school, in addition to adding a representative of the state attorney to the case staffing committee. Also, the bill will allow a parent, legal guardian, or any other member of the case staffing committee to convene a meeting.

The bill allows a parent, guardian, or legal custodian to file a petition alleging a child is in need of services pursuant to s. 39.436, F.S. The parent must provide a written notice to the department of their intent to file a petition and serve the department's office of general counsel with the notice, making the department a party to the petition. The petition must include: the parent has in good faith made an effort to use the services of the department; state the case staffing committee plan is not sufficient; and the court has the option to dismiss the petition if it does not comply with the requirements for filing a CINS petition. The parent is permitted to withdraw a petition.

Staff-Secure Shelter for CINS

The court is authorized to place a child adjudicated as a CINS in a staff-secure shelter for up to 90 days if the youth's parents refuse to provide care resulting from significant disruptive behavior on the part of the youth or the youth exhibits chronic runaway behavior. The court may not place a CINS in the staff-secure shelter unless the youth has failed to complete an alternative sanction or comply with a previous court order, been previously committed to a residential program, and DJJ verifies to the court that a bed is available. If the family has not been reunited, a youth may remain in the facility for an additional 30 days. If after this time the youth's parents continue to refuse to provide care for the youth, the court may declare the CINS to be a dependent and transfer care for the youth to the Department of Children and Family Services (DCF).

The court, upon review of the case every 45 days (provided for in 39.44, F.S.), may also transfer the case to DCF if the court finds that the parent has failed to provide an

adequate level of financial and other support, failed to participate in treatment efforts and the treatment has failed to reunify the youth with his or her family.

Contempt Sanctions

In an effort to provide more restrictive sanctions for CINS contemnors, the bill allows the court to place a child who is in direct or indirect contempt of court in a physically secure facility when the conditions under s. 39.4422 are met. This provision is in compliance with Federal law under the exception to place a juvenile in indirect contempt of court in a secure facility, however Federal law does not provide the exception for direct contempt of court.

The bill gives the court the powers of disposition to place a child in a physically secure facility under certain conditions which must be met prior to placement in the facility. The facility for CINS in contempt of court must be designated exclusively for that purpose. Only when the department verifies a bed is available and the following conditions are met may the child be placed in a physically secure facility: the child has ran away from a staff secure shelter; two or more prior contempt of court acts have occurred; and all due process rights must provided the youth. A youth may be placed in a physically secure facility for contempt for up to 5 days for the first act and up to 15 days for a subsequent act of contempt. While in the facility, the child must be assessed, treated, and provided educational services designed for truant, ungovernable or truant behavior, and the child must be provided with counseling services to reunite the family.

The bill gives powers of disposition to the court to require the parent, guardian or legal custodian to participate and cooperate in the services provided and pay all associated costs according to their ability to pay. Care for the child is temporary and does not abrogate the legal responsibility of the parent, guardian, or legal custodian.

The bill directs DJJ to establish a pilot program to operate one or more physically secure facilities in one judicial circuit. The bill directs the Juvenile Justice Advisory Board (JJAB) to monitor the program and issue an evaluation report to the Legislature by December 1, 1998 with a joint and subsequent report on the project to be conducted jointly by DJJ and JJAB and delivered to the Legislature by December 1, 1999.

Delinquent or Unpaid Fee Collection

The court may require the parent, guardian or legal custodian to pay all costs for the care, support, or maintenance of a child receiving services in several instances. The bill allows the DJJ to employ a collection agency, registered pursuant to Chapter 559, for the collection of delinquent or unpaid fees resulting from a court order to place a child in detention; for care, support and maintenance of a child adjudicated delinquent; for services and treatment provided for children or family's in need of services; and for care, support, and maintenance of a CINS.

DJJ has the option to pay the collection fee from the amount collected to the collection agency or authorize the collection agency to deduct the fee from the amount collected prior to turning collections over to the department.

According to the Senate interim study, DJJ reports that employing a collection agency to collect the court ordered fees from those who are able to pay will increase collections and generate additional revenues at no cost to the state.

Harboring A Runaway

The bill provides a criminal penalty for any person other than authorized agents of DJJ or HRS to shelter an unmarried minor for more than 24 hours. The bill makes an exception for persons who have notified a law enforcement officer, and for those who have been given consent by the parent or guardian. If an unmarried minor has runaway from home and seeks aid or shelter by any person, then the bill requires the person notify the parent, guardian, or law enforcement officer. Assisting a minor in finding a shelter such as a hotel room, or other accommodations is also prohibited and is a criminal act. Any person violating either provision in this section has committed a first degree misdemeanor.

According to the Senate interim report, law enforcement officers, prosecutors, providers and parents discussed the need for clearly providing penalties for harboring a runaway and to provide a means for prosecuting persons harboring runaway children and youth. In addition, findings from the Senate interim study found that Texas, Illinois, Oklahoma, and Colorado have implemented laws with criminal penalties for harboring a runaway.

Driver's License Suspension and Contempt of Court

The bill allows the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance, or suspend the driving privileges of a child in contempt of court for up to 1 year for the first offense and up to 2 years for a subsequent offense. This is a new sanction for juveniles in contempt of court. Provisions are made to allow a CINS with a suspended license to receive a restricted license for business, employment, or educational purposes as defined in s. 322.271, F.S. The child must meet the requirements for eligibility in order to receive the restricted license. The Department of Highway Safety and Motor Vehicles, Bureau of Records and Administrative Review will create records for youth in contempt of court who have had their driver's license withheld or suspended. They will then flag the records and track contemnors to assure compliance with court orders.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

Yes, the bill allows the court to place a child adjudicated as a CINS who is in contempt of court into a physically secure facility.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, the bill establishes a physically secure facility for CINS children in contempt of court and directs that they be separated from delinquents. New facilities will be necessary to house these children, and will be under the jurisdiction of the department either directly or through contract.

- (3) any entitlement to a government service or benefit?

Yes, this bill allows lockouts to be placed under the care of the Department of Children and Family Services (CFS) when a parent, guardian, or legal custodian refuses to care for them and as a result they are 'considered to be threatened with harm' and thus are dependent children.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

None.

- (2) what is the cost of such responsibility at the new level/agency?

None.

- (3) how is the new agency accountable to the people governed?

None.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes. The parent, guardian or legal custodian of a CINS or delinquent child who is under care of the department is responsible to pay the costs of care, maintenance, and treatment on according to their ability to pay.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, the bill allows parents the option to file a CINS petition if they are not satisfied with the case staffing committee recommendations. The bill increases parental responsibility and involvement in resolution of the child's truancy, runaway or ungovernable behavior.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Under the intake and case staffing procedures set forth by the DJJ, the representative assigned to the case, or a case staffing committee will be responsible to assess the needs of a CINS/FINS. The case staffing committee consists of a representative of the school district, DJJ, supervisor (if contracted), social or educational services, state attorney, and a parent or guardian. If the case is filed with the court, then the court will evaluate the family's needs.

(2) Who makes the decisions?

Case staffing makes a recommendation to the department and the department makes the decision to file or not file a petition or recommend services and treatment. Under the powers of disposition the court will adjudicate a child as a CINS and place them under the jurisdiction of the department.

(3) Are private alternatives permitted?

Yes, diversion programs include scouts, boys and girls clubs, and other community programs that are options available to the child when the court orders the child to participate in programs.

(4) Are families required to participate in a program?

Yes, family's are directed to participate in family counseling, treatment, and other services provided to truants, runaways and ungovernables.

(5) Are families penalized for not participating in a program?

Yes, the bill provides a criminal penalty for a parent, guardian or legal custodian ordered to participate in a program who fails to show a reasonable effort to participate.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

The bill changes the programs for CINS who are runaways, truants, and ungovernables and creates a program for children who are lockouts. Parents, guardians, or legal custodians are given more parental responsibility in this bill to participate in the process to declare a child is a CINS. The bills adds the parent or legal custodian to the statutory list of individuals who may file an intake complaint alleging a child is from a family in need of services. The bill allows a parent, guardian or legal custodian to convene a case staffing committee meeting, file a CINS petition, or withdraw a CINS petition.

(2) service providers?

None.

(3) government employees/agencies?

The bill adds a representative of the state attorney to the case staffing committee. The bill allows the court to direct HSMV to suspend or withhold the driver's license of a child in contempt of court. The bill authorizes DJJ to operate a physically secure facility(s), and program for CINS in contempt of court. The bill authorizes DJJ to operate a program for lockouts.

D. SECTION-BY-SECTION ANALYSIS:

SECTION 1. Amends s. 39.0145, F.S.; permits the court to place a child in need of services who is in contempt of court into a physically secure facility if conditions are met; permits the court to direct HSMV to withhold issuance, or suspend the driving privileges of a child in contempt for up to 1 year; permits the court to direct HSMV to issue a restricted license to a child in need of services for business or employment purposes as defined in s. 322.271, F.S.

SECTION 2. Amends s. 39.044 (6), F.S., 1996 Supplement; permits the DJJ to employ a collection agency for collecting and managing delinquent or unpaid fees resulting from a court order to place a child in detention; permits DJJ to pay the collection fee from the amount collected to the collection agency or authorize the collection agency to deduct the fee.

SECTION 3. Amends s. 39.054 (2), F.S.; See Section 2, however this section applies to a child adjudicated delinquent.

SECTION 4. Amends s. 39.422 (5), F.S.; extends the time period an involuntarily placed CINS or child from a family in need of services may be held in a shelter.

SECTION 5. Amends s. 39.423 (1), F.S.; directs DJJ intake staff to provide written information to the parent or legal custodian of a child regarding services and treatment offered by DJJ and the community and the rights and responsibilities of the parent or legal guardian.

SECTION 6. Amends s. 39.424 (3), F.S., 1996 Supplement; See section 2, however this section applies to FINS.

SECTION 7. Amends s. 39.426, F.S.; permits local school districts to appoint a representative to the DJJ staff casing committee; adds a representative of the state attorney to the case staffing committee; amends the case staffing committee procedures to allow a parent, legal guardian, or any other member of the case staffing committee to convene a meeting; permits a parent, guardian, or legal custodian to file a petition alleging a child is in need of services; requires a written answer from the DJJ case staffing committee to the request from a parent that DJJ file a petition.

SECTION 8. Amends s. 39.436, F.S., provides for procedures to petition the court for an alleged child in need of services; permits a parent, guardian, or legal custodian to seek adjudication; requires the department to file a petition if the child is in a shelter according to s. 39.44, F.S.; permits a parent, guardian or legal custodian to petition the court for a CINS order.

SECTION 9. Amends s. 39.438 (2) and (3), F.S., 1996 Supplement; clarifies that DJJ is referenced in responding to a CINS petition filed by a parent.

SECTION 10. Amends s. 39.44 (1)(a), F.S., 1996 Supplement; clarifies that DJJ is referenced in the arraignment hearing process for a CINS petition filed by a parent.

SECTION 11. Amends s. 39.442 (3) and (4), F.S., 1996 Supplement; see Section 2, however this section refers to the powers of disposition.

SECTION 12. Amends s. 39.4421, F.S., permits the court to place a CINS in a staff secure facility for up to 90 days if the child is a lockout or runaway after all other less restrictive alternatives are exhausted; permits the court to commit a child only if the child has not complied with a court sanction, has not completed an alternative treatment program, has previously been committed to a residential program, and the department verifies a bed is available; requires parental participation; requires parents to reimburse the costs incurred by care and counseling on an 'ability to pay' basis. The facility must provide education while the child is in custody. permits the court to order the child to remain under care for another 30 days if the family may be reunited; creates procedures for lockouts after shelter care if the family is not reunited and the child is considered to be threatened with harm at that time; permits the court to transfer jurisdiction from DJJ to DCF and treat the child as dependent; directs the court to review the child's case every 45 days.

SECTION 13. Creates s. 39.4422, F.S., permits the court to sanction CINS who are in either direct or indirect contempt of court by placing them to a physically secure facility designed to house only CINS in contempt of court.

SECTION 14. Creates a provision for DJJ to establish a pilot program in one judicial circuit for the operation of one or more physically secure facilities to hold a CINS in contempt of court.

SECTION 15. Creates provisions to prohibit a person other than an authorized agent of DJJ or DCF from knowingly sheltering an unmarried minor for more than 24 hours in the absence of parental consent or notification to law enforcement; prohibits a person from

sheltering or assisting in finding shelter for an unmarried minor who has runaway in the absence of contacting the parents or notifying law enforcement; a person in violation of law commits a first degree misdemeanor.

SECTION 16. Creates a provision to direct the Department of Juvenile Justice and the Department of Children and Family Services to encourage cooperation within districts and develop agreements with providers to coordinate services for lockouts and their families.

SECTION 17. Creates a provision to direct DJJ and CFS to establish a work group to study and report to the Legislature on services to lockouts and their families in an effort to reduce duplication of services; members to be appointed by the Secretary of both DJJ and D.F. and to include government employees, representatives of the private-sector, effected children, and family members; directs the work group to make recommendations for improving services in a report to the Legislature due January 15, 1998.

SECTION 18. Creates a provision to direct DJJ, CFS and Department of Education (DOE) to develop and publish an information packet to explain the CINS/FINS process and resources for CINS/FINS; requires DJJ, law enforcement, and school districts to distribute the packet to parents of any runaway, truant, and ungovernable youth.

SECTION 19. Creates a provision to direct DOE to analyze and develop improved methods of tracking attendance to better identify habitually truant children; requires DOE to provide assistance to local school districts to assist them in identifying habitual truants.

SECTION 20. Creates a provision to direct DOE to report findings to the legislature on habitual truancy as enacted under 96-369 Laws of Florida and make statutory amendment recommendations.

SECTION 21. Appropriates \$6,980,625 from the General Revenue Fund to DJJ for 6 month operation of a staff-secure facility for CINS; appropriates \$520,125 from the General Revenue Fund to DJJ for operation of a pilot project in one judicial circuit for one or more physically facilities to serve CINS in contempt of court; appropriates \$35,000 from General Revenue Fund to DJJ for operation of the department's toll-free hotline to provide resources to parents of runaway or troubled children.

SECTION 22. Creates an effective date of July 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

For the chronic runaway and lockout sections of this bill, the Department of Juvenile Justice (DJJ) estimates that \$2,326,875 (6 month funding) is needed to operate staff-secure facilities (150 beds) at \$85 per day for an estimated 200 lockouts and 400 runaways annually.

For the section of the bill which permits the transfer of jurisdiction from DJJ to the Department of Children and Family Services (DCF) for certain CINS cases, DCF estimates that \$1,204,500 (60 youth at \$55 per day for 12 months) is needed to provide of out-of-home care for these children in the protective services system. DCF believes that this additional funding is needed to fund specialized treatment services for these children and youth.

For the contempt provisions of this bill, DJJ estimates that \$520,125 (6 month funding) will be needed to operate one or more physically secure facilities in one judicial circuit.

The Office of the States Court Administrator estimates that there will be indeterminate expenses incurred by the courts for reviewing CINS placements every 45 days.

Authorizing DJJ to use the services of a private collection agency to collect unpaid fees from parents should have an indeterminate positive fiscal effect.

The amount of \$35,000 is appropriated to DJJ for expanding the operations of the existing toll-free runaway hotline.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Private collection agencies will benefit from provisions of this bill.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

This bill is consistent with current provisions of Chapter 39, F.S., requiring parents to pay for the costs of care and treatment for their children and youth within their ability to pay. To the extent to which courts order and parents pay for such services, the costs incurred from certain provisions of this bill may be somewhat offset by the collection of such costs.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not impose a mandate upon local governments.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of local governments.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with local governments.

V. COMMENTS:

None.

STORAGE NAME: h1031s1.jj

DATE: April 4, 1997

PAGE 18

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON Juvenile Justice:
Prepared by:

Legislative Research Director:

Sara A. Wright

Ken Winker