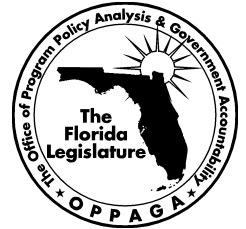




The Florida Legislature

OFFICE OF PROGRAM POLICY ANALYSIS AND
GOVERNMENT ACCOUNTABILITY



RESEARCH MEMORANDUM

The Office of Adoption and Child Protection Overlaps with the Department of Children and Families in Promoting Public Awareness, but Their Activities Differ in Other Areas

September 15, 2009

Summary

As requested, OPPAGA examined whether duplication exists between the Office of Adoption and Child Protection within the Executive Office of the Governor and the Department of Children and Families. The office and the department overlap in promoting public awareness of adoption and child abuse prevention but their activities differ materially in other areas. We examined the advantages and disadvantages of four options for Legislative consideration.

Program Purpose, Organization, and Responsibilities

Children who have been abused or neglected are at risk of adverse and costly outcomes throughout their lives, including poor physical, behavioral, and mental health difficulties in becoming and remaining self-sufficient. The state seeks to help children who are victims of maltreatment and cannot be safely returned to their families avoid some of the instability they can experience in foster care by finding them permanent homes as quickly as possible. Accordingly, the Legislature funds child abuse prevention and adoption activities in both the Office of Adoption and Child Protection and the Department of Children and Families.

Office of Adoption and Child Protection. In 2007, the Legislature created the Office of Adoption and Child Protection within the Executive Office of the Governor to establish a comprehensive statewide approach to promote adoption; support adoptive families; and prevent child abuse, abandonment, and neglect. The office is charged with developing public awareness campaigns, developing a state plan, and conducting training to prevent child abuse and promote adoption.¹ The office also is responsible for monitoring local planning teams; assisting in developing rules relating to child abuse prevention, adoption, and support of adoptive families; and acting as a liaison for the Governor to the state's agencies. The office is authorized to establish a direct support organization to secure additional funding for these activities. In

¹ The Legislature created the Office of Child Abuse Prevention in 2006. In 2007, the Legislature expanded its functions by adding the promotion of adoption and supportive of adoptive families, and renamed it the Office of Adoption and Child Protection.

Gary R. VanLandingham, Ph.D., Director

111 West Madison Street ■ Room 312 ■ Claude Pepper Building ■ Tallahassee, Florida 32399-1475
850/488-0021 ■ FAX 850/487-9083
www.oppaga.state.fl.us

addition, the Executive Office of the Governor has given the Office of Adoption and Child Protection responsibility for supporting the Children and Youth Cabinet.²

For Fiscal Year 2008-09, the office spent \$314,687 in general revenue (\$282,270 for salaries and benefits and \$32,417 for expenses). The Legislature appropriated \$228,180 in general revenue for the office, and thus the Executive Office of the Governor used other funds to subsidize expenses that exceeded this amount. For Fiscal Year 2009-10, the office was appropriated \$212,432.

The office is staffed with three full-time equivalent positions and one OPS position, including the chief child advocate, the deputy chief child advocate, a program manager, and an administrative assistant.³ The Executive Office of the Governor provides one of the three full-time positions, while the other two positions are provided by the Department of Children and Families. The Executive Office of the Governor reimburses the department for some but not all of this staffing expense.⁴ In addition, three other department staff members spent a portion of their time performing functions to assist the office, at an estimated annual cost to the department of \$76,030.

Department of Children and Families. The department's mission is to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency. In accordance with its mission, the department's Family Safety Program Office develops and implements strategies to prevent child abuse and neglect, promote adoption, and support adoptive families.

The department is responsible for several child abuse prevention activities. These include contracting with providers to conduct public education campaigns and offer information and referral services to prevent child abuse. The department's Family Safety Program Office also performs several tasks to administer child abuse prevention activities such as managing and overseeing contracts, developing program plans to meet federal funding requirements, providing technical assistance to contractors, and conducting training for child welfare professionals.

The department also is statutorily required to establish and administer an adoption program. As part of this responsibility, the department established a statewide adoption exchange to facilitate the recruitment of adoptive families and a state Adoption Information Center.^{5, 6} Department staff also develop program plans to meet federal funding requirements and provide technical assistance and training to teach agency staff about changes in the law, rules, best practices, and policies and procedures related to adoption. In addition, the department advises child welfare

² The Legislature created the Children and Youth Cabinet in 2007 (Ch. 2007-151, *Laws of Florida*) as a coordinating council to foster public awareness of children's issues and promote children's issues to the Legislature. The cabinet is assigned to the Executive Office of the Governor. The cabinet's membership includes the Governor, the chief child advocate, representatives of various state agencies that administer programs serving children, and representatives of children and youth advocacy organizations.

³ The program manager primarily supports the duties of the Children and Youth Cabinet.

⁴ For Fiscal Year 2008-09, the Executive Office of the Governor reimbursed the department for the majority of the expenses related to one of these positions. According to the department, the cost of salaries and benefits for this position was \$101,121. However, the Executive Office of the Governor reimbursed the department \$96,750 of the amount for this position, leaving the department a net cost of \$4,371. Under an August 2009 agreement with the department, the Executive Office of the Governor will reimburse up to \$103,116 of the annual salary and benefit cost for this position. The department position for which it does not receive reimbursement from the Executive Office of the Governor primarily supports the Children and Youth Cabinet. The cost of salaries and benefits for this position was \$58,944 for Fiscal Year 2008-09.

⁵ The Adoption Exchange is an automated statewide list of potential adoptive parents and adoptable children. The department and lead agencies can view and edit the information on potential adoptive parents and the children available for adoption on this website. The public can view information on children without an identified placement.

⁶ The Legislature created the Adoption Information Center to provide adoption information and referral services to potential adoptive parents, adult adoptees, birth relatives, pregnant women, and professionals.

professionals on strategies for recruiting adoptive families and for helping prepare, assess, and place children in adoptive homes. Department staff also develop program plans and provide training and technical assistance to increase and improve post-adoptive support of adoptive families. Further, the department conducts background checks on potential adoptive families through the Federal Bureau of Investigation.

The department contracts with 20 community-based care lead agencies to provide a broad array of child welfare services, including child abuse prevention and adoption. Lead agencies are responsible for planning, administering, and delivering client services; ensuring that services are delivered in accordance with state and federal laws; and coordinating with other local public or private agencies that offer services for clients. In Fiscal Year 2008-09, department contracts with the lead agencies totaled \$723 million in federal and state funds.

Lead agency child abuse prevention services include in-home visits, parenting skills training, respite care for children and parents, and early development screening. Lead agency adoption services include dispersing financial assistance to adoptive families, convening adoption review committee meetings, recruiting families to adopt foster children, conducting parenting training and home studies, managing adoption cases, and providing post-adoption services to stabilize adoptive placements.^{7, 8, 9} In Fiscal Year 2008-09, lead agencies and their subcontractors finalized 3,777 adoptions.

The office and the department overlap in promoting public awareness, but their activities differ in other areas

Both the Office of Adoption and Child Protection and the Department of Children and Families, including its contracted lead agencies, are responsible for promoting public awareness of adoption and child abuse prevention. However, the entities differ in how they conduct planning and training activities and perform several other functions that do not overlap.

The office and the department overlap in responsibilities to promote public awareness

The office, department, and lead agencies each perform functions to promote adoption. In addition, the office and the department are both responsible for public awareness campaigns to prevent child abuse.

The office and the lead agencies promote public awareness of adoption. In Fiscal Year 2007-08, the office was appropriated approximately \$911,000 in non-recurring funds to administer a statewide public awareness campaign on adopting children from foster care. The office developed the Explore Adoption campaign to educate citizens about the benefits of foster child adoption and provide information about the children available for adoption and the adoption process. To support this effort, the office conducted market research in 2008 to identify segments of the population that tend to adopt. The office used this information to develop

⁷ Each lead agency has an Adoption Review Committee, which is responsible for providing consultation and assistance to the adoption worker on any adoptive home study in which the worker and supervisor are recommending rejection, or adoption case situations which present challenging issues. Both lead agency and department staff sit on this committee.

⁸ The home study evaluates the strengths, weaknesses and overall ability of a family to provide a supportive environment for the child. Home study assessments are based on interviews with family members, references, and an in-home evaluation of living conditions.

⁹ Lead agencies are responsible for providing post-adoption services to stabilize adoption placements, which often include mental health counseling for adopted children.

marketing materials including DVDs, brochures, and public service announcements. The office distributes these materials to the department and lead agencies, as well as other adoption stakeholders and many other child welfare organizations in the state. To further promote adoption, the office has worked to increase statewide coverage of heart galleries, which showcase a collection of professional pictures of children available for adoption from the state's child welfare system.

Many lead agencies also conduct similar public awareness campaigns to promote adoption, including distributing brochures and providing public service announcements to encourage individuals to become adoptive parents. These local campaigns are often targeted to families who may be more willing than the general population to adopt children with special needs. Lead agencies also promote adoptions through speaking engagements and heart galleries.

The department supports both the office and the lead agencies in activities intended to help the lead agencies recruit adoptive families. It also maintains the Explore Adoption website for the office, and department staff participated in development of the campaign. Additionally, the department supports a statewide adoption exchange to facilitate the recruitment of adoptive families as well as the state Adoption Information Center.

Both the department and the office are responsible for public awareness to prevent child abuse. The department fulfills this responsibility through several programs, including the Community-Based Child Abuse Prevention Grant, which is a federally funded program designed to focus on healthy and positive parenting and public awareness of child abuse and neglect. The department's campaigns provide information to parents, child abuse prevention advocates, and the community on topics such as coping with crying children, tips for preventing child injuries, and healthy child development.

One of the office's statutory responsibilities is to develop public awareness campaigns to prevent child abuse. The office is in the planning stages of implementing this responsibility. The office is working with the department and local planning teams to plan for public awareness educational campaigns. The office also advises the department and its contractors on their public awareness campaigns.

The department and the office differ in their planning and training activities, and have various other responsibilities that do not overlap

Although both the Office of Adoption and Child Protection and the Department of Children and Families perform adoption and child abuse prevention planning activities, the scope of their plans and the stakeholders involved in developing them differ. Both also perform child abuse prevention training functions, but make training available to different target audiences. These entities also perform several other functions that do not overlap.

The two entities use different approaches to develop plans to address child abuse prevention, promote adoption, and support adoptive families. The office approaches planning from a multi-agency perspective and includes state agencies, local entities, and stakeholders in its planning process. To fulfill its statutory planning mandate, the office created a statewide Child Abuse Prevention and Permanency Council that is composed of 32 members and 20 local planning teams to assist it in preparing a five-year state plan to prevent child maltreatment, promote adoption, and support adoptive families. Participants included representatives of state agencies

such as the Departments of Children and Families (including representatives from the central office and circuit levels), Education, Health, Corrections, Juvenile Justice, and Law Enforcement; the Agency for Workforce Innovation; local government agencies, school boards, and children's services councils; service providers; and other community stakeholders. The Office's 18-month Child Abuse Prevention and Permanency Plan, which was completed in December 2008, identifies statewide child abuse prevention and adoption goals and programs that child welfare agencies, other agencies, and local communities could implement to promote adoption, support adoptive families, and prevent child abuse.¹⁰

In contrast, the department's approach to planning is for its staff to develop plans as needed to administer internal programs and fulfill federal funding requirements. For example, the department develops department-wide strategic plans specific to its programs. The department also develops several plans in order to meet federal funding requirements for its child abuse prevention and adoption programs and activities. For example, the department is required to develop a Child and Family Services five-year plan that describes how the department anticipates spending federal funding. This plan covers several of the department's program areas, including child abuse prevention and adoption.

The office has a wider audience for its child abuse prevention training and education than the department, and the two entities work together on some training. The office focuses on making continuing education available for a broad range of professionals, including those involved in child welfare-related programs, education programs, and law enforcement. The office coordinates and makes training available for child welfare professionals serving on local planning teams primarily through webinars and conference calls. The office also is responsible for coordinating the development of a plan to establish a child abuse prevention training curriculum for parents and school and law enforcement personnel.

In contrast, the department provides training and education that focuses on its programs and services, primarily targeting individuals within the child welfare community. The department conducts pre-service and in-service training for child welfare professionals and prospective adoptive families. The department's Office of Family Safety also provides child abuse prevention information to its staff in monthly training bulletins.

The office and the department also work together to provide some child abuse prevention training. For example, both entities provided training at the Florida Prevention Summit to assist local planning teams with their planning efforts.

Many office and department functions do not overlap. The office performs various functions, such as monitoring the progress of the entities involved in its planning efforts, acting as the Governor's liaison to state agencies that administer child abuse prevention and adoption programs, and providing administrative support to the Children and Youth Cabinet. The department performs various functions in its role as the state's administrator of child welfare programs and funds. However, many of these functions, such as monitoring its contracted providers and the services they provide, promulgating rules, clarifying policies and statutes,

¹⁰ *The Florida Child Abuse Prevention and Permanency Plan: January 2009 through 2010* describes interim steps to develop a five-year state plan in 2010 that will promote adoption, support adoptive families, and prevent child abuse. The Department of Children and Families developed a previous state plan for child abuse prevention in June 2005 for the period from July 2005 through June 2010. When the Legislature created the office, it moved this planning responsibility from the department to the office.

allocating funds to its programs, and managing state and federal funds, do not overlap with those performed by the office.

Options for Legislative Consideration

Given the overlap in some Office of Adoption and Child Protection and Department of Children and Families functions, we examined the advantages and disadvantages of four options that could address this overlap: continue the office's current placement within the Executive Office of the Governor, transfer the office to the department, transfer only its adoption-related responsibilities to the department, and eliminate the office's statutory responsibilities and appropriation.

Option 1. Continue the Office of Adoption and Child Protection's current placement. In this option, the office would remain in its current placement within the Executive Office of the Governor. The primary advantage of this option is that housing the office within the Executive Office of the Governor heightens statewide visibility and focus on promoting adoptions, supporting adoptive families, and preventing child abuse. Stakeholders report that this placement helps the office gain cooperation in addressing issues that cross state and local agencies' programs and responsibilities. Stakeholders also believe that state and local entities' collaborative efforts have contributed to increased interest in adopting foster children. For example, the department's Adoption Information Center reports that when the office launched the Explore Adoption campaign, inquiries to the center increased 21% between May and December 2008 compared to the same period in 2007. State and local entities' efforts also may have contributed to an increase in the number of finalized adoptions of children from foster care over the last three years. The number of finalized adoptions from foster care increased from 3,079 in Fiscal Year 2006-07 to 3,777 in Fiscal Year 2008-09, or a 22.7% increase.

However, some stakeholders report that a disadvantage to the office's current placement as a separate entity outside of the department is that it generates confusion among the general public and local child welfare entities regarding the appropriate contact for some child abuse prevention and adoption issues. Further, the office's funding for the Explore Adoption campaign was non-recurring, leaving some question about the extent to which it can continue to promote public awareness of foster children needing adoptive placements without additional funding by the Legislature.¹¹

Option 2. Transfer the Office of Adoption and Child Protection to the Department of Children and Families. In this option, the Legislature would revise the statutes to transfer the office and its responsibilities to the department. This option assumes that the Executive Office of the Governor would continue to provide administrative support to the Children and Youth Cabinet, as required by law, and would retain the chief child advocate to concentrate on this responsibility and continue as the Governor's liaison with state agencies.¹²

The primary advantage of this option is that the office's functions fit within the mission of the department, which serves as the state's administrator of child welfare programs and funding. The department is already responsible for administering child abuse prevention and adoption

¹¹ The Office of Adoption and Child Protection used appropriations for the Explore Adoption campaign to develop products such as DVDs and brochures that can be distributed in the future. However, the office used some of the funding to create and broadcast public service announcements, and would likely need additional funding to continue with these broadcasts.

¹² Section 402.56(3)b, *F. S.*

programs. Prior to establishing the office, the department had statutory responsibility for establishing a multi-year state plan to prevent child abuse. According to department officials, the agency could perform the office's child abuse prevention and adoption functions as long as the department receives the funding that the Executive Office of the Governor currently spends on these activities. Another advantage to this option is that it would enable department employees to focus on their primary duties rather than splitting time between duties assigned by department administrators and those requested by the office.¹³ This option would also help minimize confusion among the general public and local child welfare entities regarding the appropriate contact for child abuse prevention and adoption issues.

The primary disadvantage of this option is that stakeholders report that this change would risk losing the statewide visibility and focus afforded by housing the office in the Executive Office of the Governor. Department officials also stated that sustaining a high level of priority on child abuse prevention and adoption could be difficult in the long term because department administrators are frequently faced with the challenge of needing to shift their employees' focus in response to crises, such as concerns about foster children's use of psychotropic medications.

There would be no cost savings from this option. For Fiscal Year 2008-09, the office's expenditures of \$314,687 exceeded its appropriation of \$228,180, and thus the Executive Office of the Governor used other funds to subsidize these expenses.¹⁴ According to the Executive Office of the Governor, if it retains a portion of the office's current appropriation to support the expenses of the chief child advocate and the Children and Youth Cabinet, including the amount it currently pays from other funding sources, it would be able to transfer only \$20,000 of the appropriation to the Department of Children and Families, which would then need to subsidize the remaining cost of these responsibilities from its existing funding. If the Legislature transferred a larger portion of the office's appropriation to the department to support the expenses associated with the office's major activities, such as multi-agency planning to promote adoptions and prevent child abuse and developing multi-agency continuing education and training curricula on child abuse prevention, both the Executive Office of the Governor and the department would need to continue to fund some activities from other sources.¹⁵ In either scenario, no savings would be achieved unless the Legislature chose to eliminate some of the office's duties.

Option 3. Transfer the office's responsibilities for adoption planning and public awareness to the department. In this option, the Legislature would revise the statutes to transfer the office's adoption-related functions, which include planning and public awareness, to the department. This option envisions that the office would retain its child abuse prevention-related responsibilities, such as statewide planning and training. The Executive Office of the Governor would retain responsibility for supporting the chief child advocate, the Children and Youth Cabinet, and the office's child abuse prevention-related activities.

The office's adoption-related planning and public awareness functions fit within the department's mission and the design of the state's decentralized child welfare system. Because

¹³ As discussed earlier, three department staff members spent a portion of their time performing functions to support the office at an estimated annual cost of \$76,030 in Fiscal Year 2008-09.

¹⁴ The office's expenditures of \$314,687 included expenses to support the Children and Youth Cabinet.

¹⁵ For example, the department may need to continue to fund the program manager position for the Children and Youth Cabinet, an annual cost of \$58,944.

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the department is the only state agency with responsibility for administering an adoption program for foster children, this issue does not cross state agencies' jurisdictions. The lead agencies perform a number of activities to promote adoption, such as strategic marketing campaigns, targeted outreach to place children with special needs, speaking engagements, and participation in Heart Galleries. The lead agencies are also responsible for providing families with adoption subsidies and post-adoption services.

However, as with the second option, a disadvantage to this option is that it could reduce statewide visibility and focus on adoption programs as these responsibilities would no longer be performed by an entity within the Executive Office of the Governor. Because funding for the office's Explore Adoption campaign was non-recurring and much of its current focus is on planning and training to prevent child abuse, there would be no material cost savings associated with this option.

Option 4. Eliminate the office's statutory responsibilities and appropriation. In this option, the Legislature would revise statutes to eliminate the responsibilities specifically assigned to the office while retaining statutory requirements for the Children and Youth Cabinet. The Legislature would also eliminate the appropriation provided to the Executive Office of the Governor for the office's expenditures. The Executive Office of the Governor and the department would continue to provide staff support to the Children and Youth Cabinet (the current program manager and administrative assistant positions).

This option would produce a general revenue savings of \$212,432 based on Fiscal Year 2009-10 appropriations. However, this option would also result in eliminating the chief child advocate and the office's role in increasing the statewide focus on promoting adoptions, supporting adoptive families, and preventing child abuse, and would eliminate efforts to develop a multi-year state plan to achieve these goals. The option could also reduce inter-agency cooperation in addressing issues that cross state and local programs, such as planning and coordinating child abuse prevention activities.