

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF DADE

FALL TERM A.D. 1995

FINAL REPORT OF THE DADE COUNTY GRAND JURY

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I N D E X

	<u>PAGES</u>
DADE COUNTY'S JUVENILE DEPENDENCY SYSTEM: PROMISES UNFULFILLED.....	1 - 21
I. INTRODUCTION.....	1
II. DADE COUNTY'S JUVENILE DEPENDENCY SYSTEM.....	2
III. THE CHILDREN IN DADE COUNTY'S JUVENILE DEPENDENCY COURT.....	5
IV. A STUDY OF DADE COUNTY'S DEPENDENT CHILDREN WHO EXHIBITED HIGH LEVELS OF CRIMINALITY.....	7
V. THE LINKAGE BETWEEN THE DEPENDENCY AND DELINQUENCY SYSTEMS.....	12
VI. THE NEED FOR COMMUNICATION BETWEEN LINKED SYSTEMS.....	15
VII. CHILDREN AND FAMILIES IN NEED OF SERVICES.....	18
VIII. THE GOALS OF DADE COUNTY'S JUVENILE DEPENDENCY SYSTEM.....	20
IX. CONCLUSIONS.....	21
INDICTMENTS.....	22 - 27
ACKNOWLEDGEMENTS.....	28

INDEX OF TABLES

	<u>PAGES</u>
TABLE 1	Age Composition of Children in Dade County's Juvenile Dependency Court System (1986-1995).....p. 6
TABLE 2	Analysis of Problems Common to Children In Dade County's Juvenile Dependency System Who Exhibited High Levels of Criminality.....p. 8
TABLE 3	Analysis of Problems Common to Dade County's Dependent Children by Gender.....p. 9
TABLE 4	Analysis of Parental Criminal History of Dade County's Dependent Children by Gender.....p. 9
TABLE 5	Analysis of School Records of Dade County's Dependent Children by Gender.....p. 10
TABLE 6	Analysis of Health Problems of Dade County's Dependent Children by Gender.....p. 10
TABLE 7	Analysis of HRS Placements Common to Dade County's Dependent Children by Gender.....p. 11
TABLE 8	Analysis of Crossover From Dependency To Delinquency of Age Eligible Children.....p. 14
TABLE 9	Analysis of Crossover Groups by Gender and by Year.....p. 14

DADE COUNTY'S JUVENILE DEPENDENCY SYSTEM: PROMISES UNFULFILLED

I. INTRODUCTION

Throughout our community there are children who are abused, who are living in homes without food, who are deprived of needed medical care, who are abandoned on the street. This river of victimized children, abused, neglected and abandoned, runs silently through every street of our city and our state. Perhaps it is this silence that allows us to ignore and underfund the Juvenile Dependency System that serves them, rendering it a mere shell of its needed strength. Sadly, the result is a system that victimizes these children once again. They are abused by empty promises of hope and swift solutions. They are neglected by deficient resources and crushing caseloads that defy their needs. They are abandoned by continual failure to provide needed funding and social services. Being children, they are helpless to resist.

We are ashamed to find our Juvenile Dependency System so awash in cases, so deficient in resources and so lacking in unified goals. Instead of offering us the best hope of early intervention, it has become just another way-station on the road to a future that is rarely bright. This system could provide us with an opportunity to protect and nurture the most needy of our children. It could present us with a rare chance to deter many of them from a life of crime. Shamefully, our indifference ruins these chances and our inaction allows these opportunities to slip away.

Today, our community has already awakened to concerns about juvenile crime. How long will it be before our community also awakens to a system that may, in fact, funnel many children into juvenile delinquency as well? Our Juvenile Dependency System could provide us with the power to positively impact our children's future today instead of decrying their effect upon our future tomorrow. Through this report we hope to motivate our community

and our state to fully fund and utilize the many opportunities this system presents.

II. DADE COUNTY'S JUVENILE DEPENDENCY SYSTEM

Within our state, there are two very different systems that attempt to address the needs of our children. The Juvenile Delinquency System deals with children who commit crimes. The Juvenile Dependency System deals with children that are abused, neglected and abandoned. In delinquency, the child is the perpetrator and is the responsibility of the Florida Department of Juvenile Justice (DJJ). In dependency, the child is the victim. The primary responsibility for helping these children rests with the Florida Department of Health and Rehabilitative Services (HRS). Its mission is "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."¹

During our term we have heard from judges and court personnel who labor in the Juvenile Dependency Courts. We have spoken to HRS caseworkers and supervisors, representatives of children's shelters, foster parents and guardian ad litem who attempt to deal with these children daily. All have expressed their extreme frustration with our Juvenile Dependency System. All described overwhelming caseloads. All described a complete lack of resources. All described a profound lack of understanding on the part of our community and our state of the extreme importance of this system to our community's safety and standards of living. Intervening in these children's lives presents us with an opportunity to do much more than just assist them. It is an opportunity to reduce the potential impact of these children, as they grow older, upon our welfare system, our educational system,

¹Florida Statutes, 1995, Chapter 39.001 (b).

our criminal justice system and our overall quality of life. Shamefully, these opportunities are too often wasted by a system, intended to intervene with families in crisis and protect children in danger, that is itself as dysfunctional and in crisis as those it seeks to help.

Current HRS caseloads mandate crisis management and perpetuate this systematic dysfunction. The reasons for this are clearly evident. They have only 98 Protective Services Investigators to investigate over 13,000 new child abuse complaints per year. They have only 70 Protective Service Counselors to oversee over 7,000 children in protective supervision. Only 150 Foster Care Counselors are available to supervise and protect 2,600 children placed in foster care. There has been no meaningful improvement in these caseloads since the Spring Term 1989 Dade County Grand Jury last examined them and said "The reality is that existing caseloads, compounded by an inability to attract competent, qualified workers, has doomed the program to certain failure." The high turnover rate of HRS counselors, currently as high as 40% each year, mandates a complete lack of continuity between caseworkers and families and prevents the formation of trusting relationships. The result, as one case worker said, is that entire workdays are spent "putting out fires" while cases sit untouched and children remain unseen.

In Juvenile Dependency Court, cases can wait six months to a year before even an agreed upon plan for resolution and reunification occurs. Many times, needed resources are unavailable and needed personnel not present in court. As a result, numerous delays are required, cases are reset and solutions do not occur. When we visited these courts during our term we were amazed by the lack of meaningful progress we saw. We were also dismayed as we considered the effect each of these delays may have had upon the lives of the children and families involved.

Child shelter and foster care workers described to us a system

so overloaded and ineffective that it was not uncommon for the HRS caseworker assigned to a family's reunification to not even know which shelter was housing the children belonging to that family. A lack of communication between the various agencies and participants in the process was a source of frustration for all of our witnesses and was readily apparent to us during our visit to court. When asked to describe Dade County's Juvenile Dependency System to us, one worker laughed bitterly and told us there was no "system" to be described. This abandonment of hope, shared by all who work within the "nuts and bolts" of the system, was summed up for us by one HRS case worker's testimony. When he began his career, he said, his goal was to help families support and care for their children safely. Today, seven years later, his only goal is to try to make sure no child dies.

When a child becomes a victim of abuse, neglect or abandonment, the Juvenile Dependency System should be ready to step into that child's life and provide for that child's needs. There should be an immediate and well-researched assessment of the factors that led up to the victimization. The child and the family should be quickly triaged and evaluated to determine and implement the corrective plan of action that should be undertaken. This plan of action should be swiftly implemented and the services needed to support and effectuate it should be available and immediately provided. Finally, there should be regular and consistent supervision of the child and the family to make sure all recommended actions required by this plan are completed. This is also necessary to ensure that no factors have arisen that require additional services or, more importantly, increase the potential of danger to the child.

Shamefully, our Juvenile Dependency System is incapable of providing even these minimal requirements. The fact that we have allowed this system to become so inadequate, demonstrates a complete lack of understanding of its importance to our community. The testimony we have heard convinced us of the need to use our

term to focus our community's attention on this system in crisis and to illuminate for our community the dire potential consequences the failure of this system may have upon our future.

III. THE CHILDREN IN DADE COUNTY'S JUVENILE DEPENDENCY COURT SYSTEM

It is axiomatic that early intervention is usually the most effective type of intervention. It is also the least costly. Many witnesses have described the Juvenile Dependency System as having the potential of providing the point of earliest intervention for children at risk. In our present era of limited resources and lack of desire to increase taxes and public spending, the Juvenile Dependency System could be the very vehicle upon which to place our limited resources so as to reduce the future burden upon our society's criminal, welfare and educational systems.

With this potential in mind, we decided to begin our analysis by focusing upon the children within our Juvenile Dependency Court System. We sought to learn more about them and the common characteristics they may share. Accordingly, we reviewed the court records of Dade County's Juvenile Dependency Court System from 1986 through 1995. During those ten years, a total of 23,299 children passed through this system. A substantial number of these children were extremely young, with over 50 percent being under the age of six at the time they entered. Even more revealing was the substantial percentage we found who were less than one year old at the time their dependency case was opened. This analysis provides strong confirmation that the Juvenile Dependency Court System would allow us an opportunity to intervene at a very early point in the lives of these children. It also reveals the large number of children at risk of physical harm who are brought within this system at an extremely early point in their lives.

TABLE 1: Age Composition of Children In Dade County's Juvenile Dependency Court System (1986-1995)

<u>Age</u>	<u>Percent of Total</u>
Less than 1 year old	25%
1- 5 years old	30%
6-10 years old	20%
11-15 years old	19%
16+ years old	6%

These children were almost uniformly split between male and female for every year of the ten years we studied, unlike the children within the delinquency system who are predominately male. We could detect no trend or shift between these years relating to their gender composition. Nor was there any trend relating to gender between age groups. However, within our entire group, we did consistently find a greater percentage of females than males among those aged 11 and older.

We decided to continue our study of these children to determine what behavior they exhibited after they entered the Juvenile Dependency Court System. To do this, we researched Dade County's Juvenile Delinquency records, cross-referencing them to the 23,299 children we had found within Dade County's Juvenile Dependency Court System. We recognized that the lack of a positive identification system for juveniles would mean that our results would be an undercount and that many cases involving these children would not be found. Nevertheless, we were able to link a total of 13 percent (3,114) of these children to cases in delinquency. However, we were shocked when we found that these children, though relatively small in number, were responsible for an incredible 18,483 criminal cases.

The effect of this huge number of criminal acts upon our community is staggering, both in dollars and in human suffering. We need to identify these children at an early age, before the

pattern that led them to criminality is set and while an opportunity to deter them from criminality still exists. The discovery of common indicators for children at risk of future delinquent behavior would greatly increase the potential for identification and meaningful, early intervention within the Juvenile Dependency System. It could also provide greater focus for the use of our scarce resources and funding.

IV. A STUDY OF DADE COUNTY'S DEPENDENT CHILDREN WHO EXHIBITED HIGH LEVELS OF CRIMINALITY

Our initial analysis revealed a number of dependent children who exhibited an extremely high level of criminality. We felt it would be helpful for our community if we could analyze these children and attempt to determine the common characteristics they may share. Accordingly, we decided to study the actual case files of the children whose criminality so astounded us. Unfortunately, within the time limitations of our term, we did not have sufficient time to study each one. As a result, we generated a statistically random list of these children's names and sought to obtain their individual files from HRS, the Juvenile Dependency Court, the Juvenile Delinquency Court and the Dade County Public Schools. From a list of 100 names, we were successful in obtaining sufficient records for a total of 59 children. The substance of each child's file from each different source was compiled, thus allowing us to review, not only the individual child's case histories, but also a representative cross-section of characteristics held in common.

Previous studies have shown a linkage between violent behavior in the home and the future commission of criminal acts. In its report of January 31, 1994, the State of Florida Governor's Task Force on Domestic Violence found that "The repeated exposure to family violence tends to alienate adolescents from their families and self-identification. These adolescents may leave home at an early age and engage in antisocial and self-destructive behavior."

This link was also indicated by a 1985 Massachusetts Department of Youth Services study of correlations between domestic violence and juvenile delinquency. They found that adolescents growing up in violent homes were 74 percent more likely to commit crimes and 50 percent more likely to abuse drugs and alcohol. Accordingly, we began our analysis by examining the problems these 59 children were facing at the time they entered the Juvenile Dependency Court System. Although dependent children are generally referred to as abused, neglected or abandoned, within the children we studied these identifiers were not mutually exclusive. A large number exhibited multiple problems, ranging from both abuse and neglect to drug or alcohol involvement to a history of runaway or ungovernable behavior. No single event or problem stood out. These children all had a multitude of social and behavioral problems.

**TABLE 2: Analysis of Problems Common to Children
 In Dade County's Juvenile Dependency System
 Who Exhibited High Levels of Criminality**

<u>Problems at Time of Entering Dependency</u>	<u>Percent of Total Exhibiting These Problems</u>
Abandoned/Neglected	40%
Runaway/Ungovernable	40%
Drug or Alcohol Involvement	33%
Abuse (all types)	25%
Violent Behavior	24%
Emotionally Disturbed	24%

When we separated these children by gender, we found that a history of physical or emotional abuse was far more prevalent among the females than the males. They were also more likely to be runaways or exhibit ungovernable behavior than males. In contrast, the males were more likely to be emotionally disturbed and to have a history of exhibiting violent behavior.

TABLE 3: Analysis of Problems Common to Dade County's Dependent Children by Gender

<u>Problems at Time of Entering Dependency</u>	<u>Percent Exhibiting These Problems</u>	
	<u>Males</u>	<u>Females</u>
Abandoned/Neglected	41%	38%
Physically Abused	9%	38%
Sexually Abused	14%	14%
Emotionally Abused	2%	14%
Runaway/Ungovernable	32%	54%
Drug or Alcohol Involvement	30%	43%
Violent Behavior	27%	14%
Emotionally Disturbed	30%	7%

Many witnesses have told us of their belief that a single parent home was a substantial contributing factor to a child's entry into both dependency and delinquency. Our study did not confirm this belief. When we studied the characteristics of the families of these children, we found only one-third of them to be from single-parent homes. This may indicate that a single parent home, by itself, is not an indicator of future delinquent behavior. Regardless of the child's family composition, however, the vast majority came from family units described as dysfunctional. We could find no difference in these family characteristics when we separated the children by gender. However, we did find substantial differences when we analyzed the existence of a criminal history of their parents. A substantially larger percentage of female children in our study group had mothers with a history of criminal behavior. This finding could provide an indicator that female children with mothers exhibiting criminal behavior are at higher risk of future delinquency.

TABLE 4: Analysis of Parental Criminal History of Dade County's Dependent Children by Gender

	<u>Criminal History</u>	
	<u>Mother</u>	<u>Father</u>
Male	5%	11%
Female	21%	7%

Our examination of these children's school records clearly evidenced the three characteristics already established by previous grand juries as early warning indicators of future criminal behavior: truancy, academic failure and behavioral problems in school. Interestingly, a substantially smaller percentage of the female children in our study exhibited behavioral problems than did the male children.

TABLE 5: Analysis of School Records of Dade County's Dependent Children by Gender

<u>Problems Shown By School Records</u>	<u>Males</u>	<u>Females</u>
Truancy	48%	57%
Behavior Problems	48%	7%
Academic Failure	55%	36%

We were concerned by the paucity of medical and health records in the HRS files we examined. Many of the assessments we had hoped to use were either missing or incomplete. Nevertheless, our examination of the HRS health records we did find revealed that HRS had diagnosed most of these children as suffering from psychological problems such as depression or anxiety. These problems were significant in both male and female children. We found physical problems to be far less prevalent.

TABLE 6: Analysis of Health Problems of Dade County's Dependent Children by Gender

<u>Health Problems</u>	<u>Male</u>	<u>Female</u>
Psychological Problems	64%	50%
Physical Problems	11%	14%

When a child's home environment places that child at risk of harm, HRS is authorized to remove the child and place that child in protective custody. This can mean that the child is placed with

a relative, in a temporary shelter or in the care of a foster parent. If the child is not presently at risk of harm, HRS can leave that child in the home under supervision. Many witnesses have told us of the trauma that can be experienced by a child who is removed from the home environment. They also stress the negative effect this removal can have upon the child's future development. We saw clear evidence of these traumatic episodes when we analyzed the history of placements made for these 59 children by HRS. Almost half had experienced foster care, almost one third had been in temporary shelters and just over one-quarter had received home supervision. More importantly, their case histories all revealed clear patterns of multiple, unsuccessful placements. When we analyzed this same data by gender, we found that the male children in our study were far more likely than female children to have received temporary placement in a children's shelter. The female children in our study were more likely to be found in foster care.

TABLE 7: Analysis of HRS Placements Common to Dade County's Dependent Children By Gender

<u>Type of HRS Placement</u>	<u>Male</u>	<u>Female</u>
Home Supervision	27%	21%
Children's Shelter	39%	7%
Foster Care	45%	57%

Our study revealed numerous characteristics of dependent children who had exhibited extreme and prolific criminal behavior. Yet, because they were so numerous, they would not be useful in identifying a dependent child more at risk of future criminality than others in the Juvenile Dependency System. All dependent children will exhibit one or more of these characteristics at some point in their lives. To develop a method of prediction, we needed to find a few characteristics that were present in all of these children's case histories at the same time. To accomplish this, we

computerized the individual characteristics we had found in each child's files and then sorted them to see if any of these 24 different variables were shared by all of these children. We were amazed to discover only three that were present in each of these children's cases at the same time:

- (1) Psychological problems
- (2) A history of runaway or ungovernable behavior, and
- (3) More than two unsuccessful HRS placement decisions

This finding was very significant. It meant that the victimization that brought these 59 children into the Juvenile Dependency System was not a variable that could be used to predict future criminality. Rather, it was how the system itself dealt with them that was the key. Of these three variables, only one, the placement of the child, is within the control of the Juvenile Dependency System. The other two represent either actions controlled by the child or the effects upon the child of his or her environment.

Our study has shown that, when all three of these variables are present, a child is at higher risk of future criminal behavior than others within the Juvenile Dependency System. HRS should develop and implement a method of tracking dependent children to identify those who evidence these three early warning indicators. Once identified, HRS and DJJ should jointly develop and implement a specialized method of addressing the needs of these children, emphasizing the reduction of potential criminal activity. When needed, HRS and DJJ should share resources to implement programs that are developed.

V. THE LINKAGE BETWEEN THE DEPENDENCY AND DELINQUENCY SYSTEMS

In our study of Dade County's 23,299 dependent children, there were a substantial number for whom our study had found no delinquent cases. We considered it possible that the vast majority of children for whom we found no case in the delinquency system were simply too young to be "eligible" to do so. Witnesses have

told us that a child has to reach a certain age before they are likely to be found within the delinquency system. This supposition was supported by the age differences of these two groups. Almost 85 percent of the children who did not overlap into the delinquency system were less than 13 years of age. In contrast, 80% of those we had found who committed criminal acts were 13 years of age or older.

Our findings have suggested a link between dependency and delinquency. However, we wondered if, once we took into consideration the age of the child, the actual overlap would be larger than the 13 percent we found. We decided to quantitatively determine what effect this age "eligibility" factor would have upon the crossover between these systems. Witnesses have told us that usually the earliest age that a child would enter the Juvenile Delinquency System is 13. Accordingly, we limited our next study to all children in the Juvenile Dependency Court System for the years of 1986, 1987, 1988, 1989 and 1990 who were 8 years of age or older, separating them by year. We then traced them with a "moving window" of 5 years, thus allowing those aged 8 in 1986, for example, to reach the age of 13 during our time frame. We did this for each of these five years, bringing the "moving window" of offenses through 1995. The results were amazing. Even though the limitations of identifying juveniles in these systems meant some cases would be missed, an average of over 40 percent of these children had criminal cases within five years of entering the Juvenile Dependency Court System. The results clearly showed an enormous crossover of children from the Dependency Court System to the Delinquency Court System. The results also showed the value of the Juvenile Dependency Court System as an early identifier of children at risk of future criminality.

TABLE 8: Analysis of Crossover From Dependency To Delinquency of Age Eligible Children

<u>Year Entering Dependency</u>	<u>Percent of Dependent Children Found in Delinquency Within 5 Years of Entering Dependency</u>
1986	52%
1987	44%
1988	41%
1989	37%
1990	43%

We found another identifier when we analyzed each year by the gender of the child. In the Juvenile Delinquency System, the vast majority of children are male. However, in our crossover groups, female children were proportionately a much larger group. This may indicate a greater likelihood for a female child that is in the Juvenile Dependency System to exhibit delinquency than would a female child in the general population of our community. This may also highlight the use of the Juvenile Dependency Court System as an effective early warning "magnet" for female children at high risk of future delinquency.

TABLE 9: Analysis of Crossover Groups by Gender and by Year

	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Male	66%	62%	59%	61%	62%
Female	34%	38%	41%	39%	38%

To have the opportunity to provide meaningful intervention, there must be sufficient time available once the need is identified. Utilizing these same children, we studied the relative likelihood, by age, of a child to crossover from dependency to delinquency. To accomplish this, we determined the distribution of age in our crossover groups and compared that distribution with those from the same years that did not crossover. We found that a child is not likely to cross over into the Juvenile Delinquency

Court System until reaching the age of 12. Considering that a majority of the children entering the Juvenile Dependency System are less than 6 years old at that time, our findings highlight the substantial window of opportunity that exists to meaningfully intervene into their lives. It also emphasizes the many opportunities we are wasting by allowing our Juvenile Dependency System to remain dysfunctional and ineffective.

VI. THE NEED FOR COMMUNICATION BETWEEN LINKED SYSTEMS

Our findings clearly show that while the Dependency and Delinquency Systems are, physically and legally, totally separate, in reality, they mostly serve the same children and families. In many ways, the Juvenile Delinquency System is the continuation of a process that was begun in dependency. The main difference being the age of the child. We do not mean to suggest that every child in dependency will become delinquent. Nothing could be further from the truth. Many children do make it out of dependency to lead useful and productive lives. However, our studies show that many others do not. A large number of the children we studied had dependency cases open and pending at the same time as they had open cases pending in delinquency. Yet, we could find no instances where the evaluations and planning that had already taken place in the Juvenile Dependency Court were being utilized or even shared with the Juvenile Delinquency Court.

We are greatly disturbed by this lack of communication between HRS as to dependency and DJJ as to delinquency, with regard to children they are both serving. Our studies have clearly shown the strong overlap between these two systems. Yet, witnesses have told us that HRS and DJJ have, on many occasions, been dealing with the problems of the same child, at the same time, without even attempting to communicate or share resources with each other. Our attempts to find out the reasons for this were met with explanations that basically boiled down to each agency blaming the other or a lack of resources. Despite the explanations, and

considering our current shortage of resources and funding, having two different agencies with two separate budgets handling the same child or family at the exact same time and making no attempt to share information or resources is ludicrous and irresponsible.

It can be dangerous, as well. We have learned from judges and court personnel of instances where a child, charged with a criminal act in Juvenile Delinquency Court, was recommended by DJJ for release to a parent. At the exact same time, a case of physical abuse of that same child, by that same parent, was being handled by HRS. Neither agency knew of the other's case despite the fact that both the Dependency and the Delinquency Courts occupy the exact same building and both agencies have offices there as well. The lack of communication between these two agencies must stop. It is bad policy, fiscally irresponsible and potentially fatal.

Our efforts to collect and analyze the records of the 59 children we studied highlighted for us a major roadblock to communication between the various agencies that attempt to deal with these children. To begin our study, we had to first obtain the records from the various agencies, pull from them the materials and information we needed and then combine them into individual files for each child. Incredibly, this process took more than one month to complete and, even then, we were only at the stage where we could begin to compare and analyze them. The difficulties we experienced were not the result of the agencies from whom we obtained the records. All were extremely helpful and diligent in their efforts to get us what we needed as swiftly as possible. We experienced these difficulties for the simple reason that the files and records of these agencies were not designed to work together. All were created solely for that agency's needs, all presented information solely for that agency's purposes and all differed in substantial fashion from each other. For example, HRS case files showed no common protocol for their preparation. Notes were sometimes typed, sometimes handwritten and more often than not, unidentifiable as to the author. The legibility of the handwriting

varied from readable to completely unintelligible. The Dade County Public Schools's records were computer generated and presented in a fashion requiring substantial knowledge of abbreviations and nomenclature. The school personnel who provided us the records were extremely helpful in assisting us in understanding them, but we doubt it would be feasible to make this same resource available on a daily or hourly basis countywide.

The difficulties we experienced in our attempts to merge these files together is indicative of the problems an overwhelmed case manager would experience in attempting to use these same records to make a decision that was in the best interests of the child. It also highlights the fact that, by treating the child's needs as unique to their system, agencies can inadvertently prevent common plans from being devised. We found many instances where, because the agencies each addressed the needs of the child independently of each other, the actions taken by HRS, for instance, were inconsistent with other actions taken by the schools or the delinquency courts.

Considering the current limited resources of our Juvenile Dependency System, it is of paramount importance that all agencies dealing with these children and families work together to share information. HRS, DJJ and the Dade County Public Schools must establish a common protocol for the manner in which each agency stores information concerning the children and families they serve. This protocol would allow each agency to readily obtain, understand and fully utilize the information already compiled while augmenting the actions and services previously rendered. It would also allow each agency to treat the needs of the child and the family consistently with full knowledge of actions already taken by other agencies and the success or failure of those actions.

During our examination of HRS files, we also noticed many instances where decisions regarding treatment or placement were being made, not based upon the needs of the child, but rather upon

the type of resource that was then available. Many placement decisions we saw had a "lets try this and see what happens" feel to them. The decisions appeared to be made with minimal data and a lack of knowledge as to whether what had previously been recommended had been implemented and, if so, what result had occurred. In addition, it was common to see the occurrence of a crisis in the child's life recorded without any further notation of how that crisis was managed. For instance, one file of a 15 year old female mentioned her having given birth to a child without any further reference. We were left to wonder what had happened next. If we were a newly hired HRS worker picking these files up for the first time, we would not know where to begin.

Considering the extensive turnover in staff HRS is experiencing, its case files need to provide the continuity that is so lacking in the Juvenile Dependency System. HRS should reorganize and restructure its method of case file preparation with emphasis upon this goal. These files should provide a bank of knowledge to link the actions of different case workers and allow consistent case management to be provided. They should be the repository of all information concerning dependent children and their families to allow proper and appropriate analysis of their needs. All files should require follow-up entry of the results of recommended placements and services and all entries should clearly identify the author. The files should also include the identification and results of services and placements made by other agencies as well as the results of tests and assessments undertaken.

VII. CHILDREN AND FAMILIES IN NEED OF SERVICES

During the course of our term, we have focused mostly upon dependant children who were under the care or custody of HRS. For HRS to become involved with a child, that child first must have been abused, neglected or abandoned. While these are children who are greatly in need of help, there are other children, also in

need, who do not fit this description. If the child is habitually truant from school, a habitual runaway from home or "locked out" by parents who are unable to control them, that child is considered a "status offender" and becomes the responsibility not of HRS, but of a different state agency, the Florida Department of Juvenile Justice (DJJ). This agency was created by our legislature out of a well-meaning desire to create an agency specifically designed to focus upon, and create programs for, juvenile offenders. In October of 1994, it took over this responsibility from HRS and assumed the responsibility for "status offenders". To serve these children, DJJ contracted with local agencies to provide temporary emergency shelter. By law, these placements are limited to a maximum of 14 days. If that time has run out, and there is no suitable family member to take custody of the child, the process by which DJJ may place that child into an HRS children's home or in foster care is by the filing of a CINS/FINS² petition in Juvenile Dependency Court. The filing of this petition creates a case of dependency before a Juvenile Dependency Court Judge and allows the same procedures to be used for the protection of a "status offender" as for a child who was abused, neglected or abandoned. Several witnesses have told us of cases wherein these petitions needed to be filed.

However, we learned during our term that, in Dade County, DJJ has failed to provide the attorneys needed to file CINS/FINS petitions in Juvenile Dependency Court. In 1995 and most of 1996, it had only one attorney available to file these petitions and that attorney was physically located in Tallahassee. It is not surprising, therefore, that, in all of 1995 there were no CINS/FINS petitions filed by DJJ in Dade County. Amazingly, the few that were, were filed not by DJJ, but by HRS attorneys who simply could not sit idly by and wait for DJJ to act. DJJ has the statutory responsibility to act on behalf of these children. To fail to do

²"Child In Need of Services/Families In Need of Services"

so is inexcusable. This inability to act has an impact beyond the placement of children in need of temporary shelter. DJJ has the obligation of continuing to work with these children and their families to help solve the problems that led to the children needing emergency shelter assistance. These efforts can include offering intensive crisis counseling, drug treatment, mental health services and vocational training. However, participation at DJJ's request is voluntary unless it is court ordered. Workers have told us of many instances where families and children were simply unwilling to follow recommendations and participate in provided services. If DJJ is unable to gain the voluntary cooperation of the child or the child's family to enter into needed treatment, therapy or services, it can utilize, as a "hammer", the power of the Juvenile Dependency Courts through the filing of a CINS/FINS petition. We find it extremely hard to believe that, for the entire year of 1995, DJJ did not need this assistance in any of its cases. DJJ must fulfil its statutory responsibilities. It must immediately provide Dade County with sufficient legal staff to insure the filing of all needed CINS/FINS petitions on behalf of Dade County's children.

VIII. THE GOALS OF DADE COUNTY'S JUVENILE DEPENDENCY SYSTEM

During our examination of the Juvenile Dependency System, we have observed a conflict in its goals. On the one hand, the goal is to seek reunification of the family. On the other hand, the goal is to do what is best for the child. Sometimes these goals are conflicting. As one worker told us, some people are simply incapable of becoming good parents within the time frame needed. Crisis in their lives, drug involvement, physical, emotional and financial problems sometimes prevent or delay solutions needed for family reunification. In these cases, the needs of the child for a secure, nurturing and safe environment sometimes take a back seat to efforts addressing the problems of the parents. The result can be extremely detrimental to the child. A number of the cases we