

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

INTERIM REPORT
OF THE
MIAMI-DADE COUNTY GRAND JURY

SPRING TERM A.D. 2002

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FILED
September 5, 2002

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VANASSA COOPER
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NELIDO GIL, JR.

INTERIM REPORT

I. INTRODUCTION

Within days of our being sworn in as grand jurors, the tragic loss of Rilya Wilson sparked outrage around our state and nation. Serving collectively as the “conscience of our community,” we shared in the rage felt by all.

Seemingly inconceivable, our rage was further fueled by learning that in 1989, the Grand Jury issued a report that demanded necessary reforms occur to better protect our children that, particularly, had been placed in foster care, just like Rilya Wilson.

It appears that during the last several years, studies upon studies; reports upon reports; and other mandates for reform have simply fallen on the deaf ears of our leaders, lawmakers and policy makers. This simply is inexcusable. Crimes seem to have been committed in this case in particular. The State Attorney’s Office and the Miami-Dade Police Department are presently concluding investigations and hopefully the responsible persons will be held accountable in our criminal courts of law. Unfortunately, its probably too late to protect or save Rilya.

The fact that similar instances of neglect and abuse have occurred in other cities indicates that this is not a Miami-Dade County problem alone – but a statewide, state run failure. These failures, and reforms cried out for, have been known for years.

On May 28, 2002, The Governor’s Blue Ribbon Panel Report and recommendations were released. Their report is a noble attempt by a handful of caring and knowledgeable citizens to cure the causes that led to Rilya’s disappearance, at best; or demise at worst. It tried to tackle, as the report said, a problem that engulfed the Department of Children and Families (DCF) in a scandal.

We repeatedly remain skeptical, not of the report, but rather that it too will fall on deaf ears. The question is, why does this continue to occur year after year, throughout a decade? We don’t believe it’s about partisan politics. Rilya Wilson does not represent a philosophical divide between Democrats and Republicans. All responsible, caring human beings believe that children, all of our children, especially those most vulnerable, are our number one priority to protect.

We reviewed the report of The Governor’s Blue Ribbon Panel on Child Protection and took note of its observation that this “system” cannot work unless children and families are seen as a community responsibility. The Panel went on further to state:

DCF plays a lead role, but there is no chance of sustained and lasting progress unless this is also the mission of the Department of Juvenile Justice, the courts, law enforcement, service providers, neighborhoods, Guardians Ad Litem, the school system, the civic and business community, the faith community, government, the legislature and, yes, parents.¹

In other words, this is not just a DCF problem. This is a community problem that exists statewide. We agree with the Panel’s assessment and are compelled to issue this Interim Report because of the coincidental timing of a prime opportunity for this community to take a bold step that could improve the lives of all of the children in this county and this state.

The Grand Jury in Miami-Dade County has consistently avoided getting mired in political controversy. We want to make it clear to everyone reading this report that our recommendations herein are not based on any desire to influence any particular political agenda. Instead, our primary concern, as the conscience of this community, is to do whatever we can to assist in providing solutions for many of the ills facing the most vulnerable, voiceless group in this community – our children.

Witnesses testified that a child’s cognitive, social, emotional and physical growth are all pretty much determined by the child’s life experiences between ages 1 through 3. So too, the brain development of a child during this time period significantly impacts the child as a teen and even into adulthood. We recognize that many of the children in DCF custody have encountered more tragedies and painful experiences in their youth than many of us will experience in an entire lifetime.

The problems facing these “at risk” children are often exacerbated when they enter the school system. Approximately 30 percent of them will enter first grade totally unprepared for the challenges they will face. They start behind the pack and continue to drop further and further behind as time goes on. For instance, a witness testified about an alarming statistic from a national study conducted by the American Reading Association.

¹ Blue Ribbon Report, page 8

If a hundred children leave first grade not really knowing how to read, then **88** of them will not really know how to read after **fourth** grade.

We need to act, and we need to act now. Every citizen in this community can and should help.

One of the options for improving these odds against our children is to make it possible for all of our children to be capable of reading by the time they get to first grade. Why is this such a major concern of this Grand Jury? Why are we troubled that we have scores of children who are unable to read, even by the time they are graduating from high school? It is because bad performance in school (and the likelihood that most of the bad performers will drop out) is one of the key indicators for delinquent and criminal behavior. Students performing below their grade level are more likely to become disciplinary problems and be truant from school. This combination, beginning at the elementary school level, is a recipe for disaster and more often than not, leads to juvenile delinquency and, later, adult crime. We can prevent this.

On September 10, 2002, Miami-Dade County voters will have the opportunity to speak in a loud voice and say that we care about our children! We decided to issue this Interim Report to explain how passage of two ballot measures can, in part, provide a safety net for some of the children in DCF custody, improve the odds against our “at risk” children and increase the probability that more of the children in this county and state will become productive members of society when they reach adulthood.

II. PRE-KINDERGARTEN EDUCATION

Our first recommendation relates to a ballot measure that will make pre-kindergarten education available to all 4-year olds in the State of Florida. It reads as follows:

No. 8, CONSTITUTIONAL AMENDMENT, ARTICLE IX, SECTION 1

Ballot Title: Voluntary Universal Pre-Kindergarten Education

Every four-year-old child in Florida shall be offered a high quality pre-kindergarten learning opportunity by the state no later than the 2005 school year. This voluntary early childhood development and education program shall be established according to high quality standards and shall be free for all Florida four-year-olds without taking away funds used for existing education, health and development programs.

YES //

NO //

We recommend that every voter in the State of Florida vote in favor of this Amendment.

This Grand Jury is very concerned about the Department of Children and Family Services and recognizes that DCF has been mired in controversy, particularly in the months that have passed since Rilya Wilson's disappearance. We were hoping that we could come up with a proposal that would decrease the number of missing children and increase the safety and security of the children under DCF supervision. This proposal and recommendation is specifically tied in to the passage of this Constitutional Amendment.

As set forth in the ballot language, if passed, a free, high-quality pre-kindergarten education program would be available to **every** four-year-old in the State of Florida no later than the 2005 school year. Assuming approval of the Amendment, we strongly recommend that the DCF create a new policy that requires every guardian and every foster parent in the State of Florida to enroll their wards in a pre-kindergarten education program. The obvious benefit from this is it will improve the chances that these children will be able to thrive once they begin their formal education. Hopefully, they will know how to read when they enter the first grade and will receive all the attendant benefits that go along with achieving that skill at such an early age. They will be able to escape being grouped with the "88" who will "not really know how to read after the fourth grade.

The not so obvious benefit from having such a policy (and the primary consideration for this Grand Jury recommendation) is it should diminish, (if not hopefully eliminate) any repeats of the Rilya Wilson disappearance. How? There would be a whole new set of eyes and ears watching over and listening to the children in DCF custody. If Rilya had been in a pre-K program, her absence would have been noticed immediately. The teacher taking attendance would have noticed the repeated absences, inquired of the foster parent or guardian and /or notified DCF. If a problem existed, law enforcement would have had a much warmer trail to begin their search and investigation instead of the 12-month- old, cold trail that they actually had in the Rilya case.

One of the other benefits from having another set of eyes and ears is, if physical abuse is occurring, a teacher may become aware of it and have the opportunity to notify DCF and/or other appropriate authorities to intervene and conduct an investigation. One witness testified that calls

to the Child Abuse Hotline begin in earnest around 3:00 P.M. on school days. Why? By that time, classes have been dismissed and teachers have the first opportunity to call and report on the observations they have made of their students during the day. Again, **if** Rilya Wilson was physically abused at the age of four and **if** she was enrolled in a mandatory Pre-K program, this entire tragedy might well have been avoided.

We cannot bring Rilya back nor can we undo what occurred in that case. However, creating a DCF policy of mandatory Pre--Kindergarten participation might help save the lives of other children who are in DCF custody all over this state. Furthermore, lives might also be saved by the voluntary participation in Pre-K for victims of child abuse who are **not** in DCF custody.

The Grand Jury recognizes that many of the children who die in this state as a result of physical abuse experience a cycle of abuse long before the final incident that caused their death. Had there been opportunities for observation by others outside of DCF and outside of the family or custodial unit, we might still have some of those children among us today.

In conclusion, our first recommendation has two-components. First, we recommend that every voter in this county (and in this state) vote **YES** to the Constitutional Amendment making Pre-Kindergarten Education available to all 4 year olds in the State of Florida. Second, we recommend that DCF institute a policy of mandatory participation in the Pre-K program for **all** 4 year olds under DCF supervision, whether in the custody of parents, foster parents or guardians.

III. THE CHILDREN'S TRUST

A constant lament about remedying the problems plaguing DCF and the challenges affecting our children is the lack of money. However, a group of Miami-Dade County citizens has organized a massive effort to create a Children's Trust, which could significantly impact the lives of the children in our community. As planned, the Trust is expected to fund improvements to children's health, development and safety and (as suggested in the Blue Ribbon Panel's Report) promote parental **and** community responsibility for children. Our second recommendation relates to another ballot measure that will be placed before Miami-Dade County voters on September 10, 2002. For the reason stated below, we strongly recommend that every registered voter in this county vote in favor of creating this Children's Trust.

The Ballot language for the Trust (which will **only** appear on Miami-Dade County ballots) reads as follows:

**CHILDREN’S TRUST FOR CHILDREN’S HEALTH,
SAFETY AND DEVELOPMENT**

SHALL THE CHARTER BE AMENDED TO NAME THE INDEPENDENT SPECIAL DISTRICT FOR CHILDREN’S SERVICES “THE CHILDREN’S TRUST” WITH AUTHORITY TO:

- *FUND IMPROVEMENTS TO CHILDREN’S HEALTH, DEVELOPMENT AND SAFETY;*
- *PROMOTE PARENTAL AND COMMUNITY RESPONSIBILITY FOR CHILDREN;*
- *LEVY AN ANNUAL ADVALOREM TAX NOT TO EXCEED ONE-HALF (1/2) MILL TO SUPPLEMENT CURRENT COUNTY EXPENDITURES FOR CHILDREN SERVICES (THIS LEVY REQUIRES VOTER RENEWAL IN 2008); AND*
- *HAVE MEMBERSHIP AS PROVIDED IN STATE LAW FOR HOME RULE COUNTIES?*

YES / / NO / /

Again, this Grand Jury encourages everyone to vote **YES** to this ballot measure. We support this measure not just because of the benefits we **think** will result from the creation of the Trust. We also support this initiative because of benefits we **know** were received in other jurisdictions where voters approved the creation of such Trusts.

As the Miami Herald so aptly stated, in a recent editorial, “The Children’s Trust is an investment, not a tax.” Several other counties in this state (including Broward and Palm Beach) “invested” in Children’s Trusts years ago. Witnesses testified that in Palm Beach, which has had a Trust since 1986, funds were used to provide affordable child care, and after-school and mentoring programs. What was the return on their investment? They have experienced a decline in rates of infant mortality, teen pregnancies and juvenile delinquency. In Broward, Trust funds were used to pay for school-based healthcare and programs for special needs children. Miami-Dade County could benefit from all of these programs and we will have that opportunity if voters approve this ballot measure.

Our predecessors have long recognized the benefits of having early intervention programs in place, such as those which will be created as a result of the Children’s Trust:

“Studies advocate the need to identify families at risk and intervene before family dysfunction escalates into a crisis triggering the Child Welfare System.” Spring Term A.D. 1989, Final Report of the Grand Jury; Child Welfare: A System Under Siege, pp.1, 2.

“Early intervention is important because poor attendance and academic performance are symptoms that must be addressed as they occur. Our study has shown that truant children and those lacking educational skills appear to be the core group of children involved in criminal activity. Perhaps, with effective and early intervention, these young children can be directed away from possible criminal activity and back to enjoying school. Evidence exists which appears to demonstrate that success in school can compensate for deficits at home and in the neighborhood. But effective intervention requires the timely use of school records and resources to catch these children before they become entrenched in failure.” Fall Term A.D. 1990 Final Report of The Dade County Grand Jury, Address Juvenile Crime With Timely Intervention, pp. 15, 16.

“Early intervention is the key to solving our future juvenile offender problem.” Spring Term A.D. 1993 Final Report of the Dade County Grand Jury , Dade County’s Juvenile Offenders: A Study of the Need for Early Intervention, p. 14.

“It is axiomatic that early intervention is usually the most effective type of intervention. It is also the least costly.” Fall Term A.D. 1995, Final Report of the Dade County Grand Jury, Dade County’s Juvenile Dependency System: Promises Unfulfilled, p. 5.

“To truly prevent crime, we must first prevent criminality....To begin, we must first identify those children most at-risk of future criminal behavior and re-direct them away from a life of crime.” Spring Term A.D. 1996 Final Report of the Dade County Grand Jury, Making Dade County Safer: A Framework For Action, p.15.

The creation of the Children’s Trust may very well be the answer to these cries. It will save money by making a cheaper investment on the front end. As reported in the Final Report of the Miami-Dade County Grand Jury, Fall Term A.D. 2001, Funding Parks, Reducing Crime, it is cheaper to recreate than incarcerate. The cost for recreation provided by trained personnel, for one child for one year is \$135. The costs for incarcerating a child for one year is \$40,000. Further, information provided by one witness indicates that researchers have determined that every dollar invested in quality pre-school programs saves up to \$7 in other costs to society (such as money which would otherwise be spent for jails, drug treatment programs, etc.) The Grand Jury finds that the creation of the Children’s Trust will reap many cost savings to the citizens and taxpayers in this county.

The Children's Trust is solely a Miami-Dade County issue. As designed, the Trust would raise a maximum of \$55 million annually, to be used in this county for child and family services. The money would be raised by levying an additional fifty cents for every \$1,000 of taxable property value. What does that mean? If you are a homeowner, and your home has an assessed value of \$100,000, after you apply the homestead exemption, you would pay an additional \$37.50, which would go to the Trust. This once a year cost is less than the amount some of us spend to fill up our SUVs with a tank of gas. The money invested in the Trust will go further and last longer than that tank of gas. Moreover, Trust funds could also be used to obtain matching funds from the federal government. In a situation where the federal government provides a "4 to 1" match, our \$55 million investment could grow to \$220 million before the first dollar is spent.

The money will be used to provide prevention and early intervention programs for three age groups: birth to age 5; ages 6 – 12 and teens. Funding could be used to provide health care, child safety and intervention programs to prevent child abuse, maltreatment, violence and juvenile crime. Programs and services would be available to **all** Miami-Dade County residents and would be tailored to meet the different needs of our various communities. The programs would be developed only after a needs assessment was conducted which would involve obtaining input from all of the various communities and neighborhoods in the county. For instance, the service needs for a family in Little Havana may be very different from those of a family located in Coral Gables.

Again, in light of the numerous recent tragic events affecting our children and in recognition of the fact that several of the indictments returned thus far by this Grand Jury involved juvenile defendants, we are strongly in favor of any program which we believe will, on one hand, protect our children, and on the other, reduce violence and juvenile crime.

As to control of the money, the proposal is that Trust funds would be administered by a 33-member Board, comprised of representatives from major children's organizations, as well as from key civic, religious, business, health, social services and parent organizations. From the public sector, representatives from local governments and law enforcement would also be involved. Decisions as to where and how the money would be spent will be made in the

“sunshine” as required by Florida law and the Children’s Trust will publish and disseminate an annual report detailing where and how the money is spent.

Finally, **if this ballot measure is approved by Miami-Dade County voters, that approval is only for a 5-year time period.** In 2008, voters will have an opportunity to review the results of the Trusts vote again on whether they want the dedicated funding source to continue. If the voters are not pleased with the results or have concerns about the operation of the Trust itself, the Trust will cease to exist in 2008. For now, in 2002, this Grand Jury strongly recommends that all Miami-Dade County voters support and approve the creation of the Children’s Trust. Now, the time is ripe for citizens to scream loud and clear that it is their will to protect this precious resource. This is our opportunity to step up and demand through our votes, that these resources be provided. This Grand Jury strongly feels that approval of these two ballot measures could very well prevent a repeat of the Rilya Wilson disappearance and will provide better opportunities for our children.