

Expanding Early Childhood Courts in Florida

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Florida
TaxWatch



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Dear Fellow Taxpayers,

Preserving the safety and well-being of Florida's mistreated and abused children is an issue personal to many Floridians. When early childhood maltreatment goes unnoticed or untreated, not only does it impose a significant personal cost on the children involved, it also fosters a legacy of intergenerational trauma with devastating effects on society.

Florida must remain steadfast in its commitment to protecting the state's most vulnerable while also identifying new, innovative, and cost-effective measures to ensure that protection. In recent years, one such initiative has proven worthy of this task. Florida's Early Childhood Courts are a transformational approach to addressing child abuse while healing the underlying roots causing multigenerational maltreatment.

Early Childhood Courts bring together trauma-informed judges, multidisciplinary teams, and trained clinicians to offer individualized child/parent treatments. Research shows that monthly meetings with judges and teams can ensure rapidly changing needs are met with sufficient care and attention, and that participating families are offered the robust support network needed to navigate the healing process. For these Early Childhood Courts, success is readily measured in the shorter times children spend in the child welfare system and more reunification with families.

Florida TaxWatch undertakes this review of Early Childhood Courts to better understand how Early Childhood Courts can provide improved child-parent outcomes while saving taxpayer money. Florida TaxWatch is proud to present the following report to highlight the importance of expanding Early Childhood Courts and to initiate conversation with state policymakers in the upcoming 2021 legislative session and beyond.

Sincerely,

Dominic M. Calabro
Dominic M. Calabro
President & CEO

EXECUTIVE SUMMARY

The Early Childhood Court (ECC) initiative is an innovative approach to addressing the root causes of intergenerational child abuse and justice system involvement in Florida. Fondly known as “Baby Courts,” these courts bring together the science of early childhood development and proven, evidence-based treatments to ensure stable, permanent families for young children under age three.

Child development research has found that the first 1,000 days of life for a child are the most vulnerable to maltreatment due to the rapid brain development during this period. When children suffer abuse this young, they are more susceptible to experience developmental impairments, behavioral challenges, and mental health problems throughout the course of their life. Economic research finds that the lifelong cost of maltreatment is around \$1.8 million per victim. The maltreatment also makes it more likely for these abused children to perpetuate the cycle for their children in the future.

The ECC approach seeks to address these principal challenges by supplying evidence-based treatments grounded in early childhood development knowledge. Trauma-informed judges hold monthly status review hearings with specialized dockets to identify root causes for child victims and their families. Families are then paired with a community coordinator and an integrated multidisciplinary team to facilitate child-parent therapy, monthly parent meetings, and to fast-track other support services in the community.

The combination of judicial leadership and integrated community care transform outcomes for the children and families the ECC serves. Based on early findings, children who go through ECC reached overall permanency with a stable family (whether via reunification, adoption, or guardianship) on average 143 days (4.75 months) sooner than children who go through traditional dependency court. ECC reunification with parents was more likely and quicker (approximately 259 days (8.5 months)) and faster permanency with a relative or non-relative (average of 230 days (7.5 months)) than non-ECC children. The analysis also finds ECC children face lower chances of re-abuse with only 22 out of 356 ECC children (6 percent) re-entering the court system due to re-abuse. By comparison, 36 of 366 non-ECC children (10 percent) re-entered the system.

More than just providing immediate benefits to children and families, the ECC approach yields significant benefits to taxpayers and society. Currently, Florida spends more than \$1.4 billion annually on its child welfare system and serves around 13,175 children under age three. Reducing the amount of time children are in the system reduces the cost of personnel and out-of-home care. Transitioning to a full-ECC delivery method would save the state around \$113.6 million per year due to the quicker times to permanency for children involved and reduced repeat maltreatment.

Despite the proven outcomes and benefits to families and society alike, ECCs face challenges in expanding across the state. The lack of a dedicated revenue source is a principal difficulty for ECCs around the state. In 2020, the Florida Legislature allocated \$11.3 million for the state’s problem-solving courts; however, this meant ECCs had to compete with other problem-solving courts, such as drug and mental health courts, to receive funding.

Another challenge deals with the localized nature in which ECCs have expanded over recent years, creating a patchwork of 27 independently-created locations, paid almost exclusively by various methods within those municipalities. Therapies and interventions are Medicaid billable, and Community-Based Care (CBC)

agencies provide funding for ECC out-of-home care, and some pay for the ECC coordinator. Inefficiencies arise because taxpayer costs are separated in different silos.

In an effort to provide certainty, consistency, and continuity, policymakers should endeavor to identify a dedicated revenue source for ECC funding around the state. These funds should be assigned separately from other problem-solving courts and should accrue to the courts overseeing the specialized interventions. Through such policy measures, state leaders can create significant taxpayer savings while also protecting Florida's most vulnerable children.

INTRODUCTION

Ensuring the safety and well-being of Florida's abused, abandoned, or neglected children is a responsibility all Floridians ultimately share. A legacy of unattended childhood trauma can have a detrimental effect on a child's development, affecting all aspects of life far into adulthood. Children who experienced trauma or toxic stress in childhood are more likely to engage in risky behavior, suffer from chronic health conditions, and experience fewer life achievements, yet childhood trauma does more than simply impose individual costs on the children involved. Taxpayers also bear a societal cost when little is done to stop the intergenerational nature of child abuse and court involvement, an issue that perpetuates the most costly social problems facing the state.

Due to the interconnected nature between individual and societal costs in child welfare cases, any identifiable solution should pursue cost-effective methods while also maximizing child health outcomes. In recent years, one such approach has garnered widespread support across the state. Florida's Early Childhood Court (ECC) is a transformational approach to ending multigenerational child abuse. Based on evidence-based, therapeutic methods, ECC addresses the systemic issues underlying childhood maltreatment with an acute understanding toward early childhood brain development. Not only does this system provide substantial benefits to the children and families involved in the cases, but ECC also affords significant economic benefits to Florida's taxpayers. Despite proven outcomes, however, ECCs have faced difficulties in receiving a dedicated source of statewide funding. To address this issue, there must be greater understanding of the substantial benefits to children, families, and society as a whole from supporting the state's most vulnerable population.

WHAT ARE EARLY CHILDHOOD COURTS?

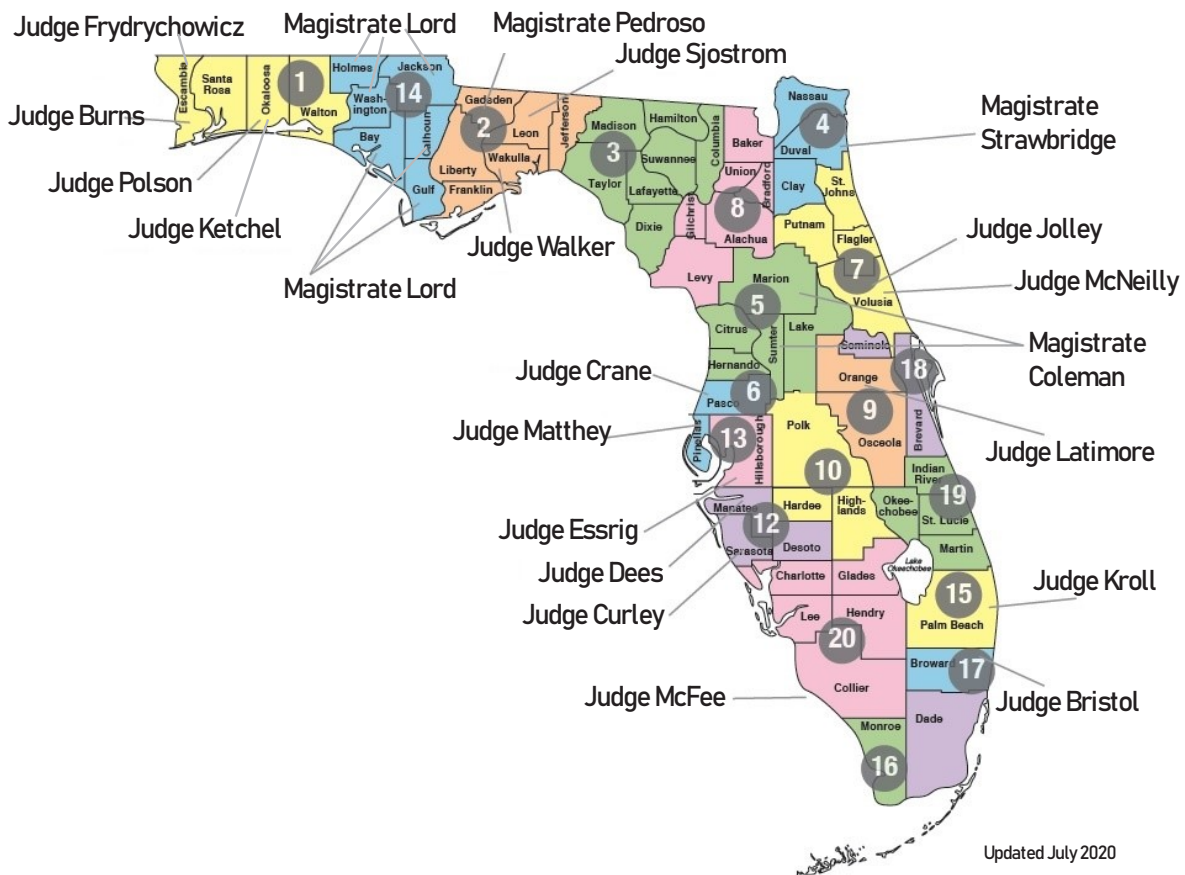
Early Childhood Courts (sometimes referred to as "Baby Courts") are specialized problem-solving courts that address child welfare cases involving children under the age of three. These courts bring together multidisciplinary teams, specially trained judicial officers, and non-adversarial techniques to resolve complex cases involving legal, societal, and individual problems. Through evidence-based treatment and community accountability, ECCs provide tailored therapies to both improve the safety and well-being of the children involved and to repair the intergenerational nature of abuse, neglect, and violence among families. ECC teams work together to provide families the necessary support and services needed to promote healthy child development while also expediting exit from the system to attain permanency in stable homes.

Unlike traditional dependency court, ECCs have noticeable differences to optimize health outcomes for children under three years of age. Status review hearings occur every month rather than every four to six

months as is typically done in traditional court settings. Not only does this expedite appropriate services, but it also provides early recognition for underlying issues. ECCs also conduct monthly family team meetings with multidisciplinary teams, which fast tracks integrated services and prioritizes a family's unique situation. Traditional dependency courts review case plans every six months, making it harder to adapt to the evolving needs unique to each family. Finally, ECCs make use of trauma-informed, evidence-based treatments to optimize child well-being. Although traditional dependency courts use a variety of health services, they are not always trauma-informed or based on the unique needs for each infant or toddler.

Over the past few years, there has been increasing momentum to expand ECCs throughout Florida in lieu of traditional dependency courts. Local coalitions between dependency judges, trained clinicians, and community coordinators have inspired local communities to adopt the ECC approach. In addition, the initiative has found support among Florida's Supreme Court, as evidenced by the recent adoption of the Early Childhood Court Best Practice Standards. In a few years, ECCs have grown from two sites in 2013 to 27 sites by 2020 (see Figure 1).

FIGURE 1. MAP OF FLORIDA'S EARLY CHILDHOOD COURTS



Note: Some of the 21 Magistrates cover more than one area, which accounts for the difference between the 21 listed on the map above, and the 27 listed in the text. Source: Florida Courts, Office of State Courts Administrator

EARLY CHILDHOOD COURTS BENEFIT CHILDREN AND FAMILIES

As of January 2019, there were 13,175 children under the age of three in the state dependency court system with only a portion of these children going through the ECC system.¹ Early Childhood Court specifically focuses on children under three years of age for a variety of reasons, the principal reason being the importance to early child development. The first 1,000 days of life are the most important for growth due to the rapid brain development that occurs during this period. By age three, 80 percent of the adult brain is developed, and by age five, the brain is at 90 percent of its full development.² For these reasons, it is vitally important to address early maltreatment and minimize the amount of time children are in the child welfare system. Developmental problems, school failures, and mental health problems are all outcomes from failing to fix maltreatment early on in a child's life.³

Early Childhood Courts seek to remedy these challenges with an awareness towards the unique difficulties present during a child's most vulnerable developmental period. The courts provide many quantifiable benefits to the children they serve by shortening the time to permanency and lowering the recurrence of maltreatment. Additionally, ECCs have been found to provide many families with greater emphasis on teamwork and relationship building.

The Office of Court Improvement conducted an independent analysis on ECC and non-ECC children between 2014 and 2018 to quantify the permanency and reunification benefits for children.⁴ Based on the analysis, which is summarized in Table 1, ECC children reached overall permanency (includes reunification, adoption, and permanent guardianship) on average 143 days (4.75 months) sooner than non-ECC children. The analysis finds that ECC reunification with parents was an average of 259 days (8.5 months) sooner than non-ECC children, and ECC permanency with relatives or non-relatives was on average 230 days (7.5 months) sooner than non-ECC children. In the entire analysis, only 22 out of 356 ECC children (6 percent) re-entered the court system due to re-abuse; by comparison, 36 of 366 non-ECC children (10 percent) re-entered.

TABLE 1. EARLY CHILDHOOD COURT SUCCESS AMONG CHILDREN'S TIME TO PERMANENCY

	ECC	Non-ECC	Difference
Reunification (average days from removal to closure)	477	736	259
Adoption (average days from closure to adoption)	697	699	1.7
Permanent Guardianship (average days from removal to closure)	453	683	230
Overall Permanency (average days from removal to closure)	552	695	143
Number of Children Removed After Case Closure (re-removals)	22	36	14
Total Number of ECC Youth Served	799		

Source: Data from the Florida Dependency Court Information System - 2014-2018 comparative analysis using ECC and a randomized sample of comparable non-ECC children 0-3. <https://www.flcourts.org/content/download/426426/4628486/file/early-childhood-court-data-analysis-report.pdf>

- 1 According to the Florida Dependency Court Information System on 1/9/2019, there were 13, 175 children ages 0-3 in Florida in the dependency court system.
- 2 Brain Development: <https://www.firstthingsfirst.org/early-childhood-matters/brain-development/>. Cited in FSU Center for Prevention & Early Intervention Policy, Early Childhood Court (ECC) Brochure, January 2019
- 3 The landmark epidemiological study, the CDC-Kaiser Permanent Adverse Childhood Experiences (ACE) Study, examined the long-term effects of 10 childhood adversities. This study along with over 75 additional scientific articles, show an undeniable link between childhood trauma and poor outcomes. <https://www.cdc.gov/violenceprevention/aces/about.html>
- 4 To see the full analysis and accompanying statistics, visit the Office of Court Improvement website: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Early-Childhood-Courts>

Early Childhood Court involvement also provided additional, non-quantifiable benefits in the form of increased relationship building, greater trust, and more teamwork skills. According to a report by the Florida Institute for Child Welfare,⁵ relationships emerged as a central theme in many interviews with participants going through ECC. Trust became an essential part of ECC processes as families regularly interacted with professionals, foster parents, judicial staff and other experts. One participant remarked, “It’s [the ECC process] very different, just the way you’re spoken to, the way you’re treated.” Additionally, participants felt the ECC process provided them with more of a voice compared to experiences in traditional dependency courts.

EARLY CHILDHOOD COURTS BENEFIT TAXPAYERS AND SOCIETY

More than simply provide benefits to the children and families they serve, ECCs also yield tremendous economic and societal benefits to taxpayers across the state of Florida. Currently, Florida spends more than \$1.4 billion annually on its child welfare system⁶ and serves more than 13,175 children under age three in out-of-home care.⁷ Children who go through the child welfare system incur costs through three principal channels: personnel costs, out-of-home care costs, and recidivism costs. Therefore, any cost-effective initiative should conceivably target these three areas. As it stands, ECCs address these areas and lead to substantial cost savings in each category (see Table 2).

TABLE 2. TOTAL SAVINGS FROM EARLY CHILDHOOD COURTS

	Total Labor Costs	Total Out-of-Home Costs	Total Recidivism Costs	Total Cost
Traditional Courts	\$297.2 million	\$140.1 million	\$55.9 million	\$493.4 million
Early Childhood Courts (ECC)	\$242.7 million	\$111.9 million	\$25.1 million	\$379.8 million
Total Savings	\$54.5 million	\$28.3 million	\$30.8 million	\$113.6 million

Source: FSU Center for Prevention and Early Intervention Policy

First, children and families who go through the child welfare system interact with a variety of experts, ranging from judges and attorneys to health specialists and community coordinators. As such, there is an associated labor cost with each of these workers. Based on research by the Florida Institute for Child Welfare, traditional child welfare cases incur \$22,561 in labor cost per child. Alternatively, child welfare cases under the ECC approach are estimated to only cost \$18,422 per child, a difference of about \$4,139 per child. As a result, the total savings from labor costs alone average around \$54.5 million.

Furthermore, Florida taxpayers also incur costs when children require out-of-home care. Estimates from the Florida Office of Child Welfare suggest that in 2019 the state paid \$466.65 per child per month for the out-of-home care of children under age three. The longer a child is in out-of-home care, the more incurred costs. A fundamental advantage to ECC is the significant effect on reducing the time to permanency for children.

5 “2018-2019 Early Childhood Court Evaluation: Final Report to the Office of Court Improvement.” Florida Institute for Child Welfare. Published on June 27, 2019.

6 The Florida Senate Appropriation’s Office reports DCF’s current 2020 budget for child welfare is \$1.4 billion (includes \$686 million from state General Revenue, \$14 million from state trust funds, and \$695 million from federal funds). Programs include child abuse prevention and intervention services and other community-based care services, foster care, residential group care, adoption assistance subsidies and guardianship assistance payments, child protective investigations, and the Florida Abuse Hotline. The funding does not include TANF payments or the funding for DCF’s Secretary’s Office, Quality Office, or other administrative functions housed in the Executive Direction and Administrative Support Services budget entity, nor the Courts budget, nor the \$53.6 million for GAL.

7 Florida Dependency Court Information System. As of 1/9/19, there were 13,175 children ages 0-3 in out-of-home care in the dependency system.

Using the average time to permanency for ECC and non-ECC children, 552 days (18.2 months) and 695 days (22.8 months), respectively, Florida TaxWatch finds that the state pays \$10,640 out-of-home cost per child in traditional dependency courts and only \$8,493 out-of-home cost per child if transitioned to all Early Childhood Courts. When taking into account the 13,175 children under age three, the state can save up to \$28.3 million annually by adopting an ECC delivery method.

Finally, there are costs associated with recidivism, situations where children re-enter the child welfare system. Prior analysis has found that ECCs lessen the risk of re-abuse, making it less likely that children will be removed from their houses again, incurring further labor and out-of-home costs. According to a Florida Office of Child Welfare recidivism report, children in traditional court settings possessed an average recidivism rate around 12.8 percent compared to ECC children at 7.1 percent from August 2014-2018. With 13,175 children under age three in the dependency system, these recidivism rates would lead to a total of 1,686 children re-entering in the traditional route compared to only 935 children entering back if under the ECC system. The subsequent reduction in recidivism leads to around \$30.8 million in savings with ECC in place.

Adverse childhood experiences, when left untreated, also create societal costs over the victim's lifetime. Based on prior economic research, the cost of child maltreatment has been estimated at about \$1.8 million per victim over their lifetime.

The tremendous cost represents the cumulative effects stemming from childhood health care, adult mental health, potential crime involvement, missed education, and potential lost earnings over a life time. For Florida, the report estimates that the total estimated lifetime impact of all social costs on state gross product would amount to around a \$256 billion reduction.

In summary, expanding ECCs across Florida would save around \$113.6 million annually for the state's taxpayers. Florida currently spends \$493.4 million per year on children under age three in traditional dependency court; however, if all cases were to transition to purely ECC delivery methods, the state would only pay around \$379.8 million per year—a 23.02 percent reduction in annual costs. Additionally, the evidence-based, therapeutic emphasis for ECC would minimize the long-term societal costs stemming from adverse childhood experiences, further saving taxpayer money in the future.

MOVING FORWARD WITH EARLY CHILDHOOD COURTS

In the seven years since their inception, Florida's Early Childhood Courts have grown from two sites in 2013 to 27 fully operational locations by 2020. Continuing partnership between Florida State University, the Office of Court Improvement, and ZERO TO THREE, has allowed the program to expand in recent years. Despite the measured success of the Early Childhood Court program, however, challenges persist going forward, namely the lack of a consistent, dedicated source of revenue for the various Early Childhood Courts around the state.

The unique Early Childhood Court approach prides itself on providing evidence-based, therapeutic alternatives to traditional dependency courts. Yet time-intensive judicial involvement and persistent child-parent therapy require sufficient financial resources to handle increased judicial caseload and clinical capacity—something many Early Childhood Courts struggle to consistently receive. In 2020, the Florida

Legislature allocated \$11.3 million for the state's problem-solving courts; however, this block allocation pitted Early Childhood Courts against other effective problem-solving courts, such as veteran's courts, mental health courts, and drug courts, for funding. Not only does this funding mechanism promote unnecessary competition, but it also creates funding uncertainty from year to year.

Another issue deals with the localized nature in which ECCs have expanded over the past few years. The 27 ECC sites throughout Florida comprise a patchwork of locations created independently of each other by various municipalities, paid almost exclusively by various methods within those municipalities. Funding for parent/child therapies are Medicaid billable, paid for by the Agency for Health Care Administration (AHCA). However, AHCA does not currently allow billing for clinical consultation to either the court or the multidisciplinary team as required in the ECC model. Additionally, Community-Based Care (CBC) agencies in each area provide funding for ECC out-of-home care, and some pay for the ECC coordinator. Due to the patchwork nature of local funding, inefficiencies arise because taxpayer costs are separated in different silos to pay for Medicaid, CBCs, courts, and more. In the absence of a dedicated funding source, ECC sites have resourcefully cobbled together whatever local funds possible.

In an attempt to address some of these principal challenges, policymakers passed an important piece of legislation to aid Early Childhood Court expansion within the larger context of child welfare reform. On June 29, 2020, Governor Ron DeSantis signed into law House Bill 1105, a child welfare piece of legislation which provided a set of key components for the authorized establishment of Early Childhood Courts around the state. Subject to appropriations, the bill gave the Office of State Courts Administrator (OSCA) the ability to:

- Coordinate with each participating circuit court to fill a community coordinator position for the circuit's Early Childhood Court program;
- Contract for an evaluation of the Early Childhood Court programs to ensure the quality, accountability, and fidelity of the programs' evidence-based treatment; and
- Provide, or contract for the provision of, training and technical assistance related to program services, consultation, and guidance for difficult cases.

Although circuit courts were already authorized to create Early Childhood Courts, the bill language ensured that all Early Childhood Courts were created equal with the same set of factors and supports in place to address early childhood maltreatment. The Florida Legislature also allocated \$1.86 million for 20 community coordinator positions across the state, yet the state hiring freeze has prevented any of these positions from being filled. Notably absent from the legislation was a dedicated revenue source for Early Childhood Courts.

CONCLUSIONS AND RECOMMENDATIONS

Early Childhood Courts have the joint advantage of ensuring positive health outcomes for Florida's most vulnerable children and creating long-term cost savings for taxpayers. The ECC approach transforms child welfare into a practice that aims to heal the underlying roots of multigenerational abuse and neglect. From shortened time to permanency and lower re-abuse, to greater emphasis on teamwork and relationship-building, ECCs provide families with the necessary treatment to improve child health outcomes. There are also significant positive spillover effects on society and taxpayers when children go through ECC for their child welfare needs.

Taxpayers can save over \$113 million annually if Florida were to transition to a full ECC delivery method; however, the greatest savings to taxpayers comes from the fact that addressing early childhood abuse can protect against societal costs later in life dealing with substance abuse, incarceration, homelessness, mental health, and more. By going upstream to root out the underlying challenges many individuals faced as children, society can stand to save even more than first imagined. The Early Childhood Court approach is a cost effective, efficient, and accountable method and represents a renewed commitment to protecting and preserving the most vulnerable in Florida.

Going forward, state policymakers should identify a dedicated revenue source and assign a dedicated amount of Early Childhood Court funding to promote uniform expansion across the state. As it stands today, taxpayers experience inefficiencies due to the decentralized way in which Early Childhood Courts receive funding from the state's block allocation to problem-solving courts and from various agencies. Prior academic research has consistently found that childhood abuse is a major predictor for later drug abuse, mental health problems, crime involvement, and more, implicating tremendous taxpayer costs down the road. As such, policymakers can consider tapping into certain funds, such as the Victims Compensation Fund, or opioid funding due to the interconnected nature between these issues and early childhood abuse. In addition, state policymakers should consider centering all funds in the courts since they are the central figures in these Early Childhood Court programs. Focused funding would offset the subsequent increase in judicial workload and would also allow cost savings from early childhood intervention to accrue to the courts.

Florida TaxWatch recommends state policymakers:

- Identify potential new revenue sources, earmarked specifically for the implementation, maintenance, and expansion of ECCs across the state, such as court filing fees, opioid funding, medical marijuana revenue, or the Victims Compensation Fund; and
- Assign funding separate from other problem-solving courts so to prevent unneeded competition and uncertain annual funding amounts from year to year.

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