

Judge wants DCF to transfer child-protective investigations

Written by

Margie Menzel

The News Service of Florida

In the wake of a fifth child death in little more than two months, a circuit judge Tuesday called for the Florida Department of Children and Families to stop doing child-welfare investigations and transfer that responsibility elsewhere.

"They need to get out of the child-protection investigation business," Miami-Dade Circuit Judge Cindy Lederman said of the department. Whether law-enforcement agencies or local community-based care organizations conduct the investigations doesn't matter, Lederman said. "Anybody but DCF."

On Monday, the department released information about the weekend death of a Homestead child who had earlier come to the attention of child-welfare officials. The death was the fifth such case since May 16 and followed the resignation last week of DCF Secretary David Wilkins, who left amid controversy about his approach to child safety.

The department had the chance to intervene in the cases of all five children. Instead, the toddlers -- all 4 years old or under -- were left in the care of parents whose lack of ability or inclination to care for them was well documented.

Part of the problem, Lederman said, was that DCF had been unable to establish the need for intervention when it was warranted.

"Cases are coming in with numerous prior (offenses)," the judge said. "The home studies are inadequate. ...DCF has conducted a long series of incompetent investigations that have endangered children and you're seeing the result now."

For instance in one of the earlier cases, 5-month-old Bryan Osceola's mother had been arrested several times on substance-abuse charges, but DCF failed to refer her for

treatment. At one point, she was discovered drunk in a car that was still in drive -- with Bryan also in the vehicle. He died later in an overheated car.

"We get calls every day about kids that are being sexually abused or neglected who are already in the system," said attorney Howard Talenfeld, president of the advocacy group Florida's Children First.

The latest child to die, 2-year-old Jayden Villegas-Morales, was taken off life support Sunday. His father, Angel Luis Villegas, is accused of shaking him in frustration over the boy's repeated vomiting, according to The Miami Herald.

Wilkins' abrupt resignation Thursday came after the department faced questions about its handling of the earlier child deaths. Gov. Rick Scott, who last month expressed unqualified support for Wilkins, tapped Esther Jacobo of the agency's southern region as interim secretary.

"My number one priority, and why I agreed to take this position, is that I believe the noise level we have been experiencing in recent weeks has taken us a bit off track," Jacobo emailed DCF staff on Friday.

"My core mission is to refocus our attention to our primary responsibility--- protecting and serving the vulnerable children and families of our state," she wrote in the email.

The "noise level" was partly due to the children's deaths and partly due to Wilkins' ongoing conflict with the 19 local community-based care organizations, which provide case management, family-support services, foster care and adoption services in their areas.

That clash was based on Wilkins' desire to gain more control over how the organizations are run. It had reached the Legislature, whose members were being lobbied to protect the CBCs, as the organizations are commonly known.

Sen. Eleanor Sobel, a Hollywood Democrat and chairwoman of the Senate Children, Families and Elder Affairs Committee, had already planned to hold a hearing on the child deaths and the CBC controversy in September.

Now, she says, the child-welfare system needs to accommodate itself to the needs of very young children.

"I notice all these deaths are toddlers under 4 (years old)," Sobel said. "They cannot express themselves as well as older children. Maybe the casework should err on the side of caution...Are the parents getting the social services they need in the cases where you leave kids at risk?"

Wilkins had stressed family reunification rather than taking kids into state custody over signs of abuse and/or neglect. Under his predecessors, Bob Butterworth and George Sheldon, DCF established a federal waiver that funded such services. Now, though, Lederman recalls those days somewhat wistfully.

"We all worked, all over the state, together under (the Butterworth and Sheldon) administrations(s)," Lederman said. "They would admit when they were wrong. If we want to truly reform this system, we have to be open and honest about its failures -- failures I see every day."

Child-welfare experts also called for transparency at DCF.

Alan Abramowitz, executive director of Florida's Guardian ad Litem Program, said "most of the cases that come into care" are due to neglect, not abuse, and that some parents want services to improve their parenting.

"Parents who want to do right by their children should have the opportunity," Abramowitz said.

"The starting point for the governor is to appoint a secretary who understands the child welfare system," Talenfeld added. "It doesn't have to be a Republican or a Democrat -- just somebody that listens and has some expertise."

Mike Watkins, CEO of Big Bend Community Based Care, agreed with Sobel that the youngest children need extra protection and suggests two-person teams. He also took issue with a Wilkins move to eliminate the so-called "second-party review" and proposed that where toddlers are concerned, that review should take place on the spot, as a field exercise.

"These are community kids," Watkins said. "They're not state wards. ... There needs to be a strong level of community engagement with their welfare."