

Best Practice Considerations for Arriving at a State Entity or Agency

The term lead agency does not fully describe the role, components, capacity, or characteristics needed to ensure services to the families and children described in Louisiana's voluntary FINS law are carried out as intended. The Resolution, however, provides clear guidance that it wants a state level body to carry out the functions of governance, regulation and oversight of services.

As noted in the ABA publication—*Families in Need of Critical Assistance*—services to families and children in need (commonly referred to as “status offenders” and their families) traditionally reside with either juvenile justice or child welfare government agencies. Sometimes this has been a planned and thoughtful decision, sometimes it has evolved organically and at other times it has happened by default. There are also governance models where governance, regulation and oversight are shared. These functions are best assigned based upon the service system and outcomes that are attempting to be achieved and what entity has the capacity to conduct them.

Some high-level considerations on the capacity to function in the role of governance are:

- Authority in the law to govern
- An Adaptive Leader--can support change(s)/evolution
- A Technical Leader--knowledgeable about what it is governing and the population being served
- Has the resources, relationships, motivation, and advocacy for the role
- Has the credibility with stakeholders to govern
- Must accept accountability and may assume shared liability across systems for target population

States should develop a set of statewide standards specifically for status offenders; therefore the next step is to express those standards through developing a system of care that addresses the unique needs of the population to be served. A system of care is largely a framework of desired and standardized processes and outcomes that require that the unique needs of individuals or communities not be ignored.

What are the driving goals the system is meant to attain that made us want to create it in the first place?

- Better outcomes for children
- Quality core services
- Streamlined processes



- Customer satisfaction
- Financial savings
- Justice
- Less disparity
- Using what works

The answers to these questions will drive how the system is designed, revised, and fine tuned.

**Best Practice Considerations for Arriving at a State Entity or Agency:
Florida's Lessons Learned and becoming a National Model**

While Florida is not the only system to consider, it is much like Louisiana and its evolution from a fledgling set of scattered services for runaways to a system that has been recognized nationally provides many valuable lessons.

Briefly the Florida system of care for Families and Children in Need of Services is designed much like an emergency room in a hospital:

- Acute or crisis issues
- Core services provided by trained staff
- Services are voluntary-the person is asking for help
- Services are rendered 24-7
- Services available with no other option at the time once the acute condition is addressed
- People are seen for assessment, but may be referred to other specialists or specialty hospital that can better meet specific needs (for FINS, e.g., young children, substance abuse, suicidal, those being served by others, what the law allows)
- The patient, if admitted and then released, may also seek further treatment if desired, for an underlying illness may need attention to prevent further crises and a referral is made

The following table shows a condensed comparison of the starting point to the current status shows.

From Services Alone	To a System of Care
Limited & varied services	Set of core services supported by a referral process to more comprehensive services as needed
Fragmented service delivery	Coordinated service delivery while ensuring Individualized intervention plan
Long-term, intrusive, high court involvement	Short-term, least intrusive, low court involvement
Government controls and decides; using court as the hammer too soon and often; “blaming”	Voluntary families seeking assistance, “drive” the course of the case; “partnering”
Creation of “dependency”	Building parenting capacity and youth skills
No standards of care , service provision or allocation of funds methodology	Standards addressing eligibility, duplication, advocacy, confidentiality, accessibility and responsiveness; staff training
Effectiveness could not be measured--Data limited to number and type served	Clear measures of meeting effectiveness and collecting impact data for children, families and the larger system via a secure, web-based data system
Regional/local multiple contracts; contracting amounts and expectations varied; no statewide data base; no utilization information—only demographics, number & type served	Governance structure supports achieving good outcomes—smart contracting; measurable outcomes; statewide data base; contracts funded by Need + Served + Outcomes = Money

Florida’s transformation also illustrates that the target population emerged first by which families and children were not being served or had limited, fragmented services; and then by where money could be saved and reinvested and positive results for children achieved.

For any system to function well there must be intentional, coordinated actions and decisions. The multiple partners for voluntary FINS—the courts, schools, other state agencies and community services, law enforcement and last, but not least, the children and families, themselves—makes this challenging, but critical task.

After the WHY questions are answered, the next typical set of questions should address *what is it we want the lead agency to do?*

- Make policy?
- Pass through funds only?
- Select services?
- Deliver services?
- Ensure that consumers are satisfied?
- Performance evaluation of the system and data collection?
- Adequate consequences?

Answers should be developed to these questions which will then lead to discussions that will contain the words: *governance, managing entity, fiscal agent, administrative service organization, consortium, service provider network, etc.*

As the roles of governance, management, and service delivery are initially decided upon, describing the system one has or envisions is the subsequent step. It is advisable to ensure the "lead agency" knows the "what" it is going to govern, manage, share and be accountable for. This requires a well-defined vision of a system of care that contains the necessary components to operate as a system which all the components that the law and commission have outlined:

- Who will be served?
- What services will be provided?
- How will they be served (processes)?
- Where or by whom will they be served?
- When and how fast will service delivery take place?
- What entity (ies) can do these best?

Description of Florida's Structures (as described by Dee Richter)

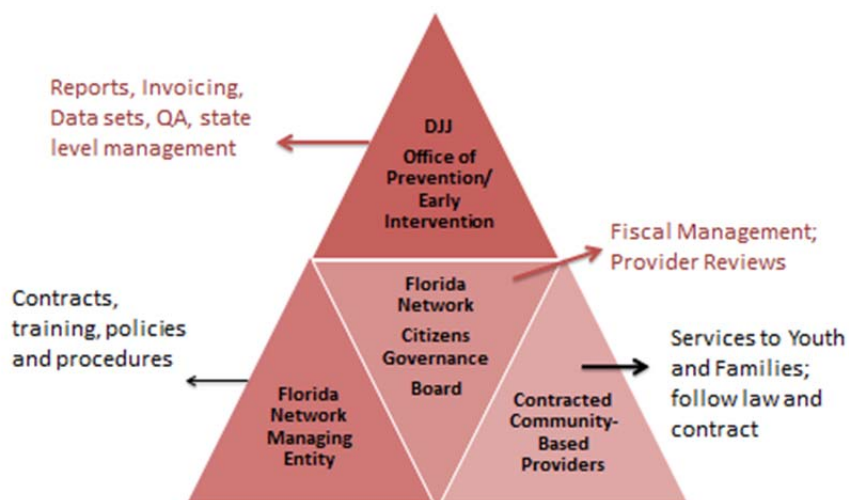
In Florida, governance rests with the Department of Juvenile Justice and a statewide citizens' Board. The services are overseen by a managing entity—a private, not-for-profit. Regulatory functions are shared by all three branches of government and the law.

Florida's operational/service management structure reflects the design of the service system. The families and children are truly voluntary and can withdraw from services at any time; they are often the referral source. Services have a quick response time and serve the target population and act as a buffer for entry into government systems. The community-based services specifically for FINS are short-term and the vast majority of the children and families receive services for less than four months; respite care lasts an average of eleven days, with the most common stay of 7 days. They serve nearly 18,000 children per year.

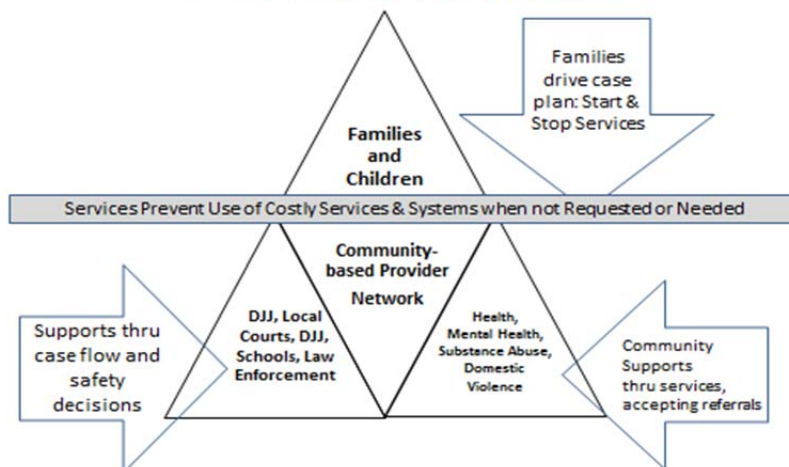
The foundation supporting the service structure is comprised of (1) the courts and law enforcement for referrals, case flow and intervention when needed and the Department of Juvenile Justice is the pass through for funding and ensures the state network provider is accountable; and (2) services that are specific to longer-term needs—substance abuse, serious mental illness, domestic violence between the parents, etc.

The governance structure below and the operational services structure above evolved with each structure shaping and informing the other. The process was concurrent and not single-tracked and linear for each.

Florida's FINS Governance Structure



Florida's FINS Services Structure



Key Areas to Move Forward:

- Identify what and when resources are spent for early services, money can be saved and reinvested and outcomes improve
- Create a way to monitor if current or new law is being carried out as it was intended
- Move from a process-based focus to a services-based focus
- Targeting the services to the most prevalent, "needy" and costly group

- Data mine to discover the most common and costly path of FINS children— Conduct analyses of outcomes/impact on children and families; length of stay implications; and impact on state expenditures
- Map current resources --who is helping what population and how much is it costing
- Watch the front door—measure the back door
- Standardize the important things: eligibility, minimum level and type of service

Consideration for Governing Entity:

- Strong options for governance and service entities in Louisiana to complement the court system: the Office of Juvenile Justice or the Department of Health and Hospitals, Office of Behavioral Health since both are currently serving FINS
- Currently only governance in court system (FINSAP-Supreme Court)
- Adding to the service continuum—prevention/early intervention, not just diversion
- Over time will diminish the number of children in detention, out of home placements, FINS Adjudications, and improve school attendance and prevent children from moving deeper into care
- Over time will lower caseloads of OJJ FINS probation
- Will produce savings
- Must identify existing services and create a minimum level of core services
- Must work closely with child welfare to ensure reported abuse and neglect are addressed

Lastly and most importantly, a healthy system of care must contain clear values and principles about what it is trying to achieve and must possess multiple sources of information and data to measure success, or lack thereof. Its leadership must create value and sustain strong relationships among all stakeholders and establish clear roles among all parties. Furthermore, it is essential for the system of care to possess leadership for whom this population is a top priority.

In order to determine the “governance, regulation, and oversight” several factors need to be taken into consideration. These include:

- *Philosophy*
- *Target Population*
- *Service Needs of Target Population*
- *Fiscal Impact*
- *Role of the Court*



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FINS Commission: Lead Agency



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December 2, 2011

Presentation Outline

- Louisiana Senate Resolution
- Accepted Definitions
- Lead Agency Considerations
 - Governance
 - Regulation
 - Oversight of Services
- Case Study in Governance: Florida's History Journey to Governance
- Considerations in Selecting a Lead Agency



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Louisiana Senate Resolution

✂ SCR 44(1): “[T]commission's study and recommendations shall address...[t]he identification of the state entity or agency best suited to govern, regulate, and oversee FINS services throughout the state.”

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Senate Resolution: Accepted Definitions

Governance

Decision making at a policy level that has legitimacy, authority, and accountability.

Regulation

System Management/Compliance with laws

Oversight of Services

Ensuring delivery of specified services to a specified population in a specified manner through contracts, fees, or agreements. Day-to-day operational decision making.

Families and Children in Need of Critical Services

Considerations: Governance



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Considerations: Governance

Best Source re: other States

Jessica Kendall, "Families in Need of Critical Assistance: Legislation and Policy Aiding Youth Who Engage in Noncriminal Misbehavior" (2007).

- ⌘ **Overview:** Processes and services to families and children in need traditionally reside with either juvenile justice or child welfare government agencies.
- ⌘ **Conclusion:** Strengths and weaknesses of systems in other states do not appear to be aligned with a particular government agency, but rather the service system design and resources.

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Considerations: Governance

- Authority in law to govern
- An Adaptive Leader—can support change(s)/evolution
- A Technical Leader—knowledgeable about what it is governing and the population being served
- Has the capacity to govern—resources, relationships, motivation, advocacy
- Has the credibility with stakeholders to govern
- May assume shared liability across systems for target population and must accept accountability

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Case Study of Governance

WHY FLORIDA?

Florida's history has been well-memorialized

Provides possible lessons and context of change

Not intended to be the “right model” or process

Current system is doing well

NOTE: Florida created services first; processes and laws evolved to meet service & fiscal needs and a “fit” within the larger human service and educational systems of the state

Case Study of Governance

Stage 1: Service Providers /Advocates as Leaders (1963-1974)

- ↳ Runaways & their families not being served— loose consortium of private non-profits and advocates

Stage 2: Lead Agency Role Goes to State Agency (1974 -1981)

- ↳ Federal laws and budget cuts push states to have a structure; state agency (HRS) selected that contains both JJ and CW

Stage 3: “Shared” Leadership— No single point of accountability (1982-1992)

- ↳ Roles are blurred across the legislature, non-profits and HRS; consumers and stakeholders complain; law changes

Case Study of Governance

Stage 4: “Shared” Governance Becoming Better Defined (1992 -1994)

- ↳ Who does what best; improving the response to communities, families and children; Intake privatized; local earmarks create “uneven” service

Stage 5: Department of Juvenile Justice as Governance and Management (1994-2001)

- ↳ Tragic event leads to a change in agency structure; cooperation among all stakeholders to improve the system

Stage 6: Governance with DJJ; Single Statewide Contract ; Management with Private Non-profit (Managing Entity) (2001- present)

- ↳ Clear roles for each part of the Status Offender (CINS/FINS) System

Families and Children in Need of Critical Services

Considerations: Regulation



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Regulation

Shared and concurrent roles of state government

Legislative

Policy makers construct the regulatory framework through law

- ↳ Set goals/intent of the law and core services to meet the goal
- ↳ Who is to be served?
- ↳ Who will oversee?
- ↳ Describe legal processes
- ↳ Appropriates funds

Judicial

Ensures accountability for obeying the law—decision junctures of the processes; consequences; provides “teeth”

Executive

Via service design, contracts, specific policies and procedures, selection of managing entities, etc., executes and operationalizes legislative intent--services delivered, fiscal boundaries, legal processes and achieves outcomes

Regulation

Activities to support the roles of state government in reforms

Provide Legislature with a framework of

- ⌘ How goals/intent of the law will be achieved — SERVICE FOCUS
- ⌘ Who is to be served, what do they need, what is available and how these relate to expected outcomes (cost savings, citizen satisfaction, no gaps or duplication, clear lines of authority/accountability)
- ⌘ Who/what structure will oversee and up/downside of each
- ⌘ Describe processes — case flow
- ⌘ Address resources — resources that are “re-purposed”; cost savings from diminishing residential care, court cases; tracking outcomes

Regulation

Activities to support the roles of state government in reforms

Ask the Judicial System to describe

- ⌘ Junctures where court intervention is needed to protect the child or community from harm, while preventing unnecessary longer term, deep end government care
- ⌘ Where clarity in the law is needed
- ⌘ What services have been available and what has worked
- ⌘ The most effective use of officers of the court — approval of intakes, service provision, case management, case flow management (when do children go where?)

Regulation

Activities to support the roles of state government in reforms

Ask Executive Departments of Juvenile Justice, Child Welfare, System of Care (mental health, substance abuse) and Department of Education

- ↳ What supports and services are they providing to the population now? (resource mapping)
- ↳ Conduct case studies of known voluntary FINS regarding when and how they have “touched” their agencies; look at case flow and discuss with the Judiciary
- ↳ Seek out volunteers for governance, regulation

Families and Children in Need of Critical Services

Oversight Considerations:
What does it Take?

Florida's Oversight for the FINS Service System--Initial Tasks

The Florida Network as the Managing Entity: Sample Tasks

Core Policies and Procedures	With local providers & DJJ and courts developed a system of core services, training standards, Operations Manual for all service components	3 months
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Florida's Oversight for the FINS Service System--Initial Tasks

Data Collection & Submission	Built a web-based statewide data base for collecting data from providers	3 months—Monthly reports to DJJ statewide and by service area
	Established <u>outcome</u> -based measures <ul style="list-style-type: none"> • Avoiding detention • Avoiding foster care placements • Avoiding felony arrests • Avoiding delinquency adjudication • Runaways reunited with families who are safe 	2 months Matched FINS children to arrested and adjudicated dependent or delinquents children
		Annual data submission to DJJ data system and CW AFCARS

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Florida's Oversight for the FINS Service System--Initial Tasks

Educated the courts, schools, providers, parents and youth on services available and how they work (law, policies, procedures, expectations for all parties)	Updated brochures in the law	Ongoing
	Created a website for families and youth as a way to find and access services	10 months
	Presented to groups at meetings and conferences as requested	Ongoing

Florida's Oversight for the FINS Service System--Initial Tasks

With and as directed by DJJ, created fiscal and performance accountability	Established a Unit Cost per service delivered	Standards and annual report card for each provider
	Established a uniform service contract template	
	Established penalties & incentives related to performance	
	Adjusted target population based upon DJJ view and need	
	Broadened provider type and community	

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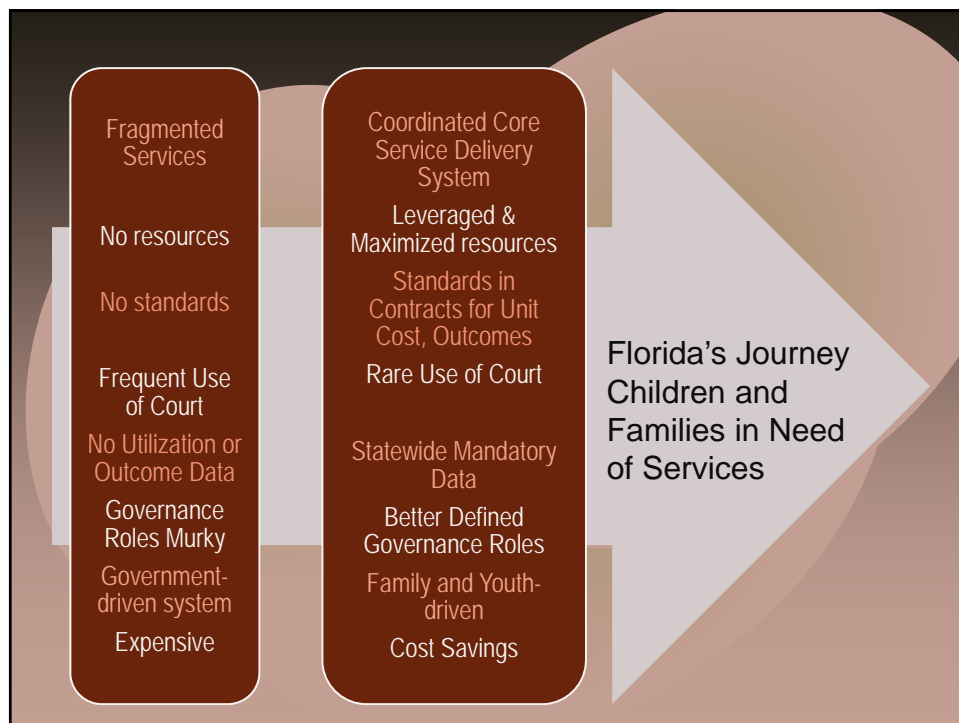
Families and Children in Need of Critical Services

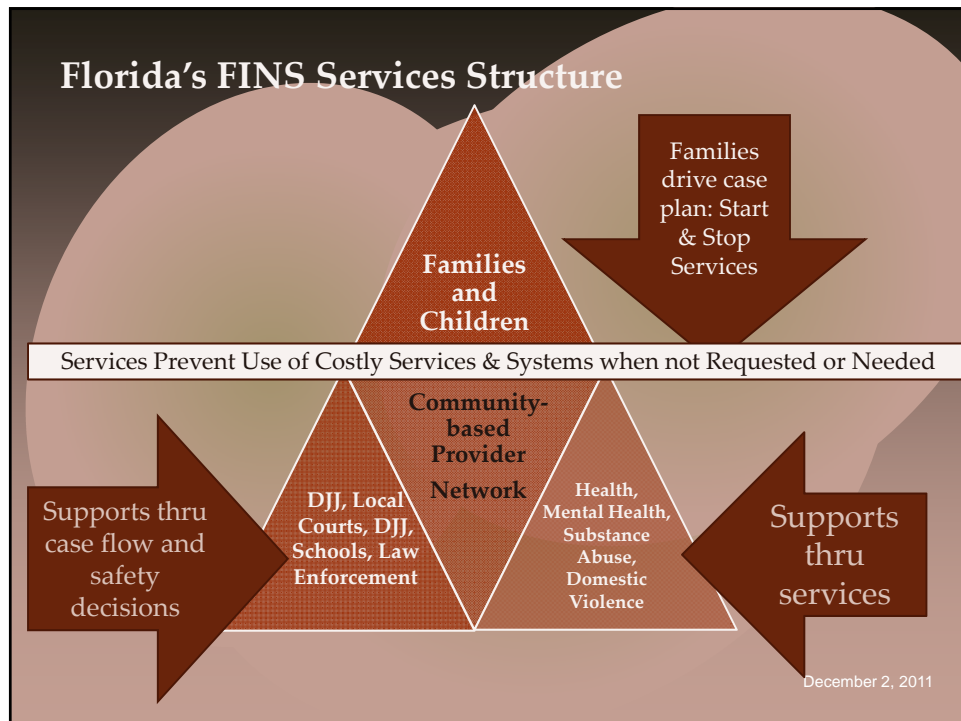
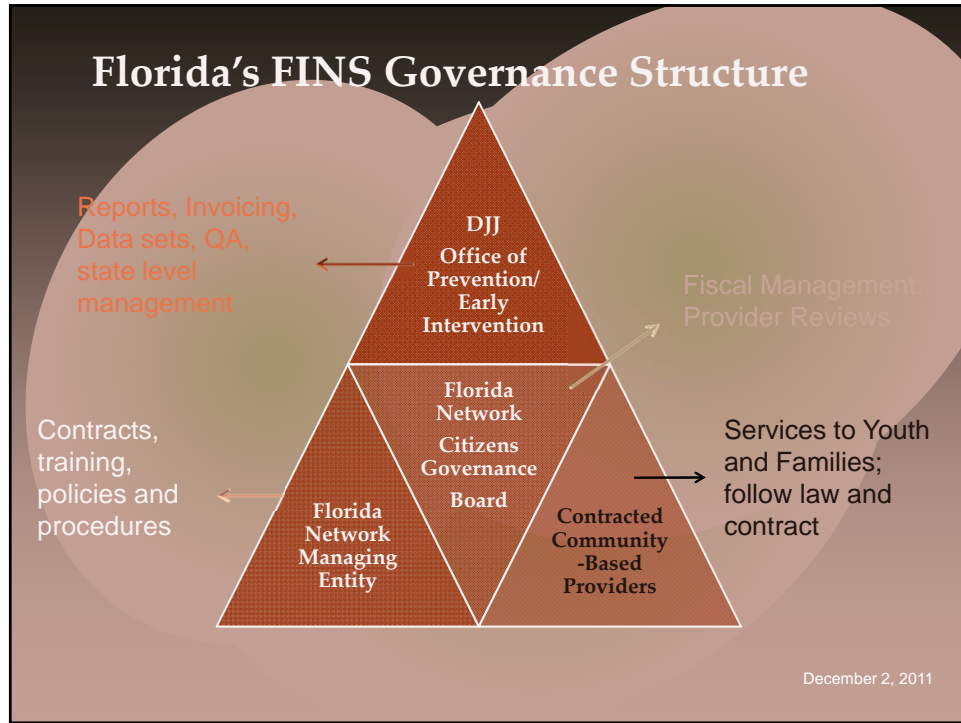
Sample Governance, Regulation and Service Structure in Florida

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Families and Children in Need of Critical Services

Suggestions for Moving Forward



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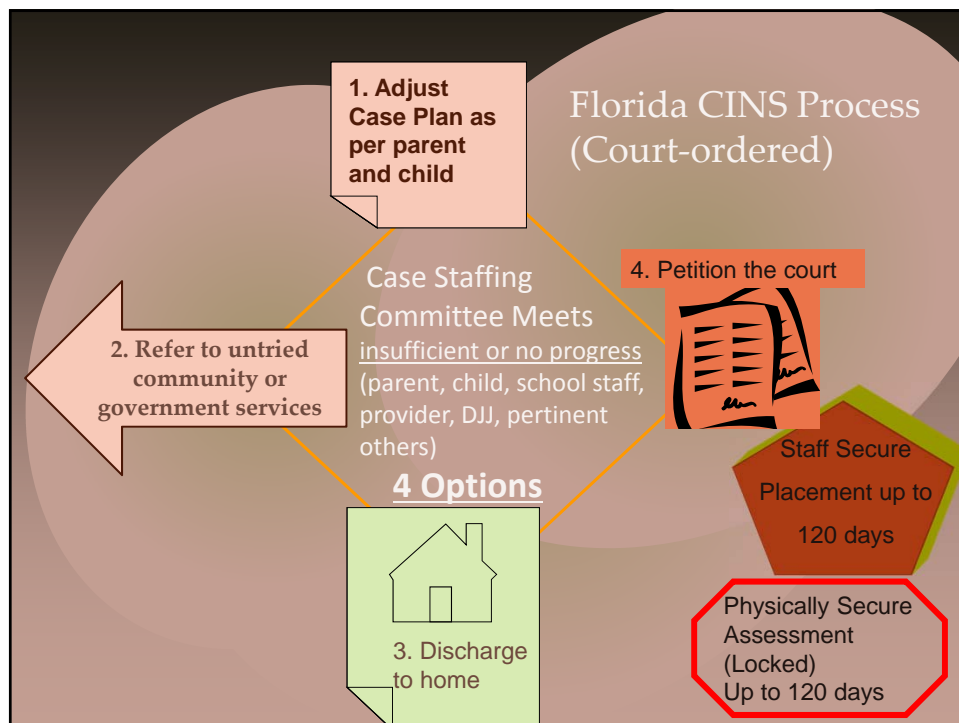
Suggestions for Moving Forward

- ⌘ Keep an open mind that when resources are spent for early services, money can be saved and reinvested and outcomes improve
- ⌘ Create a way to monitor if current or new law is being carried out—drift and myth
- ⌘ Move from a process-based focus to a service-based focus
- ⌘ Consider further targeting the services to the most prevalent, “needy” and costly group
- ⌘ Data mine to discover the most common and costly path of FINS children – Conduct analyses of outcomes/impact on children and families; length of stay implications; and impact on state expenditures
- ⌘ Map current resources—who is helping what population and how much is it costing
- ⌘ Watch the front door—measure the back door
- ⌘ Standardize the important things: eligibility, minimum level and type of service

Suggestions for Moving Forward

Possible Options in Louisiana

- ⌘ Strong options for governance and services entities in Louisiana: the Office of Juvenile Justice and/or the Dept. Health and Hospitals
- ⌘ Add to the service continuum—prevention/early intervention, not just diversion
- ⌘ Over time will diminish the number of children in detention, improve school attendance and prevent children from moving deeper into care
- ⌘ Over time will lower caseloads of probation
- ⌘ Will produce savings
- ⌘ Will need to identify existing services and create a minimum level of core services
- ⌘ Work closely with child welfare to ensure reported abuse and neglect are addressed



What are options for Louisiana to Consider?

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Governance, Regulation, Oversight

"Identification of state entity or agency best suited to govern, regulate and oversee FINS throughout the state"

To determine the answer, need to know:

- Philosophy
- Target Population to be served
- Service Needs of Target Population
- Finances to support services
- Role of Court/FINS versus agency/entity



Target Population

- Status Offender System separate from Delinquency
- As per statute must align with both national best practices and needs of Louisiana families and youth
- Short Term: Study Data that is available between agencies and Supreme Court, additional data that can be collected by all agencies, Supreme Court adjusts data collection to study target population
- Short Term: 2012 Study Resolution to refine target population based on data collection



Finances

- What is currently being expended on FINS youth?
By Supreme Court? By Office of Juvenile Justice?
- What services will be available to youth and families via the CSoc/the La Behavioral Health Partnership?
- What are traditional services from state agencies that youth can be linked to via informal FINS, by having a formal linkage and referral process?
- Short Term: Track youth referred to FINS by state agencies;
Map out known expenditures on FINS by State and SC
- Long Term: Support of Services unique to FINS youth (target population), and opportunities to include in ongoing reform



Service Array

Inclusion of Fundamental Components:

- Crisis Response
- Screening
- Assessment
- Referrals/Provision to programs proven to work that are community based (avoiding out of home placement)
- Track Youth Outcomes



Service Array

- Screening
- Assessment
- Service Array
- Short Term: revise policies/procedures of FINS Officers for screening and referral
- Short Term: create referral mechanism to appropriate linkages via state agencies for assessments and services



Due Diligence

- Implementation of due diligence requirements that agencies have to ensure prior to referral to FINS
- Short Term: FINS Officers adopt agency referral policy/protocol for state agencies referring to FINS (as tested in Rapides Parish); State agencies be required to track referral to FINS/Court; FINSAP track referring agency; Schools add a step before referral to ensure all options attempted
- Long Term: Legislation that aligns with national practices as previously recommended



Detention

- LJDA and DCFS ensure that the adoption of a risk screening tool in licensing standards for all Detention Centers
- LJDA and DCFS include in standards that status offenders should not be detained (and ensure this is monitored)
- Legislation to support with options for alternatives to detention such as crisis and respite services (as per CSOC principles) and timely services



Govern

Now

- FINS Statutory Language
- FINSAP for FINS Officers
- Referrals, Linkages and Services are based on individual jurisdictions
- State agencies often refer to Informal FINS

Future

- Modify FINS statutory language to meet best practices
- Court is last option, and role is clearly defined
- Agency or Entity oversees system and ensures appropriate screening, assessment, and service provision



Regulate/Oversight

Now

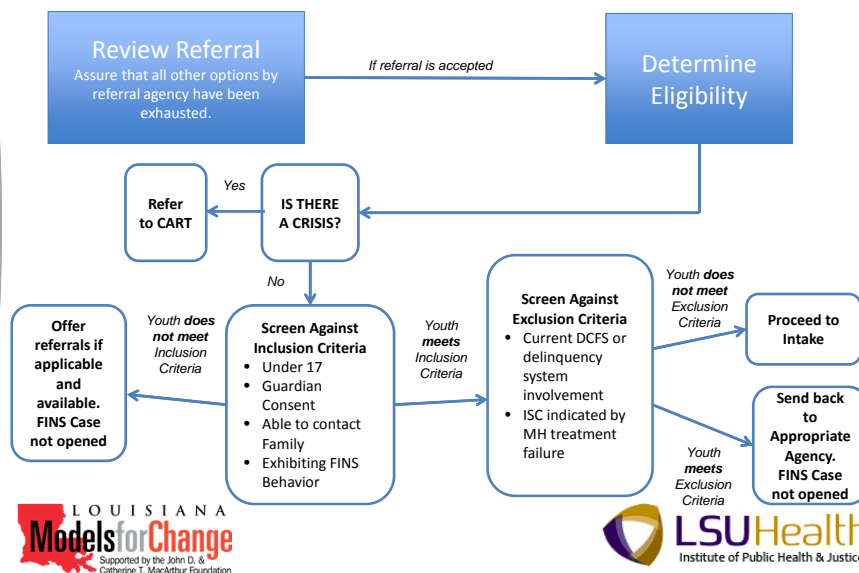
- By statute
- By local jurisdiction infrastructure
- By FINSAP office in Supreme Court
- No state oversight of services or youth outcomes

Future

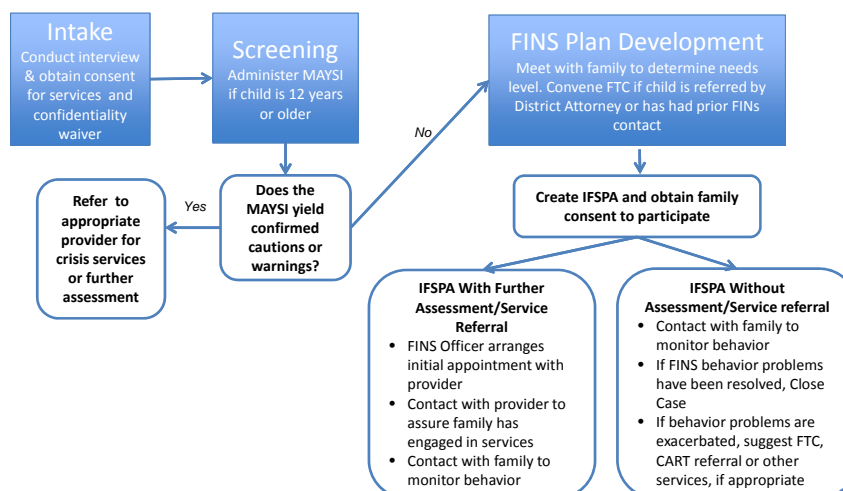
- By statute setting out role of courts and agencies
- Louisiana Supreme Court on role of court/court officers
- Role of State for service provision/monitoring and outcomes
- Role of Jurisdictions to implement via approved models



Rapides Parish FINS



Rapides Parish FINS



Legislation

- Study of Data/Target Population with data sharing between agencies and supreme court on FINS
- Detention alternatives for Status Offending Youth
- Due Diligence of all state agencies referring to FINS
- Recommendation of Lead Agency/Entity to govern, regulate and provide oversight with graduated implementation



Florida FINS Intake Process

1. Screening requests/inquiries: 24-7 at youth crisis shelter from walk-ins, law enforcement, school referrals, phone calls, etc. ; determines eligibility, immediate needs and issues; takes brief history and contact information; and/or connects requester back to DJJ/ DCF if there is an open delinquency or dependency case.

2a. If eligible

2b. If immediate danger or high potential for harm, immediate admission to respite

3. Centralized full Intake and assessment for eligible children (per Chapter 984, F. S.) Triage/Refer/Intake)

Employees are mandated reporters of child abuse and neglect and must call Abuse Hotline if at any point info meets criteria.



