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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2020	.	
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The Committee on Appropriations (Simpson) recommended the following:

1 **Senate Substitute for Amendment (835096) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraphs (b), (d), and (e) of subsection (5)
7 of section 20.19, Florida Statutes, are amended, and a new
8 subsection (7) is added to that section, to read:

9 20.19 Department of Children and Families.—There is created
10 a Department of Children and Families.



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11 (5) COMMUNITY ALLIANCES.—

12 (b) The duties of the community alliance include, but are
13 not limited to:

14 1. Joint planning for resource utilization in the
15 community, including resources appropriated to the department
16 and any funds that local funding sources choose to provide.

17 2. Needs assessment and establishment of community
18 priorities for service delivery.

19 3. Determining community outcome goals to supplement state-
20 required outcomes.

21 4. Serving as a catalyst for community resource
22 development, including, but not limited to, identifying existing
23 programs and services delivered by and assistance available from
24 community-based organizations and faith-based organizations, and
25 encouraging the development and availability of such programs,
26 services, and assistance by such organizations. The community
27 alliance shall ensure that the community-based care lead agency
28 is aware of such programs, services, and assistance and work to
29 facilitate the lead agency's appropriate use of these resources.

30 5. Providing for community education and advocacy on issues
31 related to delivery of services.

32 6. Promoting prevention and early intervention services.

33 (d) The initial membership of the community alliance in a
34 county, at a minimum, must ~~shall~~ be composed of the following:

35 1. A representative from the department.

36 2. A representative from county government.

37 3. A representative from the school district.

38 4. A representative from the county United Way.

39 5. A representative from the county sheriff's office.



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40 6. A representative from the circuit court corresponding to
41 the county.

42 7. A representative from the county children's board, if
43 one exists.

44 8. A representative of a faith-based organization involved
45 in efforts to prevent child maltreatment, strengthen families,
46 or promote adoption.

47 (e) At any time after the initial meeting of the community
48 alliance, The community alliance shall adopt bylaws and may
49 increase the membership of the alliance to include the state
50 attorney for the judicial circuit in which the community
51 alliance is located, or his or her designee, the public defender
52 for the judicial circuit in which the community alliance is
53 located, or his or her designee, and other individuals and
54 organizations who represent funding organizations, are community
55 leaders, have knowledge of community-based service issues, or
56 otherwise represent perspectives that will enable them to
57 accomplish the duties listed in paragraph (b), if, in the
58 judgment of the alliance, such change is necessary to adequately
59 represent the diversity of the population within the community
60 alliance service circuits.

61 (7) OFFICE OF QUALITY.—The department shall establish an
62 enterprise wide Office of Quality to ensure that the department
63 and contracted service providers meet the highest levels of
64 performance standards.

65 (a) Duties of the office include, but are not limited to,
66 all of the following:

67 1. Identifying performance standards and metrics for
68 department programs and all other service providers, including,



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69 but not limited to, behavioral health managing entities,
70 community-based care lead agencies, and attorney services.

71 2. Conducting ongoing quality assurance reviews of
72 department programs and contracted service providers on at least
73 a quarterly basis using cases randomly selected by the
74 department.

75 3. Strengthening the department's data and analytic
76 capabilities to identify systemic strengths and deficiencies.

77 4. In consultation with the department's program offices,
78 recommending unique and varied initiatives to correct
79 programmatic and systemic deficiencies.

80 5. Collaborating and engaging partners of the department to
81 improve service quality, efficiency, and effectiveness.

82 6. Reporting any persistent failure by the department or
83 contracted providers to meet performance standards and
84 recommending corrective actions to the secretary.

85 7. By each December 1, developing and submitting an annual
86 report to the Governor, the President of the Senate, and the
87 Speaker of the House of Representatives for the preceding fiscal
88 year which encompasses all legislatively mandated statewide
89 reports required to be issued by the department.

90 (b) The department may adopt rules to administer this
91 subsection.

92 Section 2. Section 402.402, Florida Statutes, is amended to
93 read:

94 402.402 Child protection and child welfare personnel;
95 attorneys employed by the department.—

96 (1) CHILD PROTECTIVE INVESTIGATION PROFESSIONAL STAFF
97 REQUIREMENTS.—The department is responsible for recruitment of



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98 qualified professional staff to serve as child protective
99 investigators and child protective investigation supervisors.
100 The department shall make every effort to recruit and hire
101 persons qualified by their education and experience to perform
102 social work functions. The department's efforts shall be guided
103 by the goal that ~~by July 1, 2019,~~ at least half of all child
104 protective investigators and supervisors will have a bachelor's
105 degree or a master's degree in social work from a college or
106 university social work program accredited by the Council on
107 Social Work Education. The department, in collaboration with the
108 lead agencies, subcontracted provider organizations, the Florida
109 Institute for Child Welfare created pursuant to s. 1004.615, and
110 other partners in the child welfare system, shall develop a
111 protocol for screening candidates for child protective positions
112 which reflects the preferences specified in paragraphs (a)-(f).
113 The following persons shall be given preference in the
114 recruitment of qualified professional staff, but the preferences
115 serve only as guidance and do not limit the department's
116 discretion to select the best available candidates:

117 (a) Individuals with baccalaureate degrees in social work
118 and child protective investigation supervisors with master's
119 degrees in social work from a college or university social work
120 program accredited by the Council on Social Work Education.

121 (b) Individuals with baccalaureate or master's degrees in
122 psychology, sociology, counseling, special education, education,
123 human development, child development, family development,
124 marriage and family therapy, and nursing.

125 (c) Individuals with baccalaureate degrees who have a
126 combination of directly relevant work and volunteer experience,



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127 preferably in a public service field related to children's
128 services, demonstrating critical thinking skills, formal
129 assessment processes, communication skills, problem solving, and
130 empathy; a commitment to helping children and families; a
131 capacity to work as part of a team; an interest in continuous
132 development of skills and knowledge; and personal strength and
133 resilience to manage competing demands and handle workplace
134 stresses.

135 (2) SPECIALIZED TRAINING.—All child protective
136 investigators and child protective investigation supervisors
137 employed by the department or a sheriff's office must complete
138 specialized training either focused on serving a specific
139 population, including, but not limited to, medically fragile
140 children, sexually exploited children, children under 3 years of
141 age, or families with a history of domestic violence, mental
142 illness, or substance abuse, or focused on performing certain
143 aspects of child protection practice, including, but not limited
144 to, investigation techniques and analysis of family dynamics.
145 The specialized training may be used to fulfill continuing
146 education requirements under s. 402.40(3)(e). Individuals ~~hired~~
147 ~~before July 1, 2014, shall complete the specialized training by~~
148 ~~June 30, 2016, and individuals~~ hired on or after July 1, 2014,
149 shall complete the specialized training within 2 years after
150 hire. An individual may receive specialized training in multiple
151 areas.

152 (3) STAFF SUPPORT.—The department shall implement policies
153 and programs that mitigate and prevent the impact of secondary
154 traumatic stress and burnout among child protective
155 investigations staff, including, but not limited to:



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156 (a) Initiatives to encourage and inspire child protective
157 investigations staff, including recognizing their achievements
158 on a recognition wall within their unit.

159 (b) Formal procedures for providing support to child
160 protective investigations staff after a critical incident such
161 as a child fatality.

162 (c) Initial training upon appointment to a supervisory
163 position and annual continuing education for all supervisors on
164 how to prevent secondary traumatic stress and burnout among the
165 employees they supervise.

166 (d) Monitoring levels of secondary traumatic stress and
167 burnout among individual employees and intervening as needed.
168 The department shall closely monitor and respond to levels of
169 secondary traumatic stress and burnout among employees during
170 the first 2 years after hire.

171 (e) Ongoing training in self-care for all child protective
172 investigations staff.

173
174 Such programs may also include, but are not limited, to formal
175 peer counseling and support programs.

176 (4)-(3) REPORT.—By each October 1, the department shall
177 submit a report on the educational qualifications, turnover,
178 professional advancement, and working conditions of the child
179 protective investigators and supervisors to the Governor, the
180 President of the Senate, and the Speaker of the House of
181 Representatives.

182 (5)-(4) ATTORNEYS EMPLOYED BY OR CONTRACTING WITH THE
183 DEPARTMENT TO HANDLE CHILD WELFARE CASES.—Attorneys hired or
184 contracted with on or after July 1, 2014, whose primary



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185 responsibility is representing the department in child welfare
186 cases shall, within the first 6 months of employment, receive
187 training in:

188 (a) The dependency court process, including the attorney's
189 role in preparing and reviewing documents prepared for
190 dependency court for accuracy and completeness.~~†~~

191 (b) Preparing and presenting child welfare cases, including
192 at least 1 week shadowing an experienced children's legal
193 services attorney preparing and presenting cases.~~†~~

194 (c) Safety assessment, safety decisionmaking tools, and
195 safety plans.~~†~~

196 (d) Developing information presented by investigators and
197 case managers to support decisionmaking in the best interest of
198 children.~~† and~~

199 (e) The experiences and techniques of case managers and
200 investigators, including shadowing an experienced child
201 protective investigator and an experienced case manager for at
202 least 8 hours.

203 Section 3. Paragraph (1) is added to subsection (1) of
204 section 409.988, Florida Statutes, to read:

205 409.988 Lead agency duties; general provisions.—

206 (1) DUTIES.—A lead agency:

207 (1) Shall identify an employee to serve as a liaison with
208 the community alliance and community-based and faith-based
209 organizations interested in collaborating with the lead agency
210 or offering services or other assistance on a volunteer basis to
211 the children and families served by the lead agency. The lead
212 agency shall ensure that appropriate lead agency staff and
213 subcontractors, including, but not limited to, case managers,



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214 are informed of the specific services or assistance available
215 from community-based and faith-based organizations.

216 Section 4. Section 409.991, Florida Statutes, is amended to
217 read:

218 (Substantial rewording of section. See s. 409.991,
219 F.S., for present text.)

220 409.991 Allocation of funds for community-based care lead
221 agencies.—

222 (1) As used in this section, the term "core services funds"
223 means all funds allocated to lead agencies operating under
224 contract with the department pursuant to s. 409.987, with the
225 following exceptions:

226 (a) Funds appropriated for independent living services;

227 (b) Funds appropriated for maintenance adoption subsidies;

228 (c) Funds allocated by the department for child protective
229 investigative service training;

230 (d) Nonrecurring funds;

231 (e) Designated mental health wrap-around service funds;

232 (f) Funds for special projects for a designated lead
233 agency; and

234 (g) Funds appropriated for the Guardianship Assistance
235 Program established under s. 39.6225.

236 (2) The department shall use an objective, workload-based
237 methodology to identify and report the optimal level of funding
238 for each lead agency considering demand for each of the
239 following:

240 (a) Prevention services;

241 (b) Client services;

242 (c) Licensed out-of-home care costs; and



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243 (d) Staffing, using the ratio for case managers compared to
244 the caseload requirements specified in s. 20.19(4)(c)2.

245 (3) The allocation of core services funds must be based on
246 the following:

247 (a) The total optimal funding amount as determined by
248 adding together the funding for prevention services, client
249 services, licensed out-of-home care, and staffing.

250 (b) A comparison of the total optimal funding amount to the
251 actual allocated funding for the most recent fiscal year to
252 determine the percentage of optimal funding the lead agency is
253 currently receiving.

254 (4) By November 1 of each year, the secretary must submit a
255 report to the Governor, the President of the Senate, and the
256 Speaker of the House of Representatives which includes the
257 current funding level of each lead agency based on the optimal
258 funding level as determined by using each lead agency workload
259 using the department's methodology. The report must identify any
260 lead agency that is persistently funded at less than the optimal
261 funding level and recommend strategies to address the shortfall
262 including, but not limited to, business process redesign, the
263 adoption of best practices, and requesting additional funding.

264 (5) The department may adopt rules to establish the optimal
265 funding levels for lead agencies.

266 (6) Unless otherwise specified in the General
267 Appropriations Act, the department shall allocate any new
268 funding for core services, based on the department's
269 methodology, to achieve optimal funding for all lead agencies
270 inversely proportional to each lead agency optimal funding
271 percentage.



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272 (7) Unless otherwise specified in the General
273 Appropriations Act, the department shall consider a lead
274 agency's funding level compared to its optimal funding level
275 when allocating funding from the risk pool, as provided in s.
276 409.990.

277 Section 5. Subsections (18) through (23) of section
278 409.996, Florida Statutes, are renumbered (19) through (24),
279 respectively, paragraph (a) of subsection (1) and subsection
280 (17) of that section are amended, and a new subsection
281 (18), (24), and (25) are added to that section, to read:

282 409.996 Duties of the Department of Children and Families.-
283 The department shall contract for the delivery, administration,
284 or management of care for children in the child protection and
285 child welfare system. In doing so, the department retains
286 responsibility for the quality of contracted services and
287 programs and shall ensure that services are delivered in
288 accordance with applicable federal and state statutes and
289 regulations.

290 (1) The department shall enter into contracts with lead
291 agencies for the performance of the duties by the lead agencies
292 pursuant to s. 409.988. At a minimum, the contracts must:

293 (a) Provide for the services needed to accomplish the
294 duties established in s. 409.988 and provide information to the
295 department which is necessary to meet the requirements for a
296 quality assurance program pursuant to subsection (19)~~(18)~~ and
297 the child welfare results-oriented accountability system
298 pursuant to s. 409.997.

299 (17) The department shall directly ~~or through contract~~
300 provide attorneys to prepare and present cases in dependency



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301 court and shall ensure that the court is provided with adequate
302 information for informed decisionmaking in dependency cases,
303 including, at a minimum, a face sheet for each case which lists
304 the names and contact information for any child protective
305 investigator, child protective investigation supervisor, case
306 manager, and case manager supervisor, and the regional
307 department official responsible for the lead agency contract.
308 The department shall provide to the court the case information
309 and recommendations provided by the lead agency or
310 subcontractor. ~~For the Sixth Judicial Circuit, the department~~
311 ~~shall contract with the state attorney for the provision of~~
312 ~~these services.~~

313 (18) (a) The department may contract for the provision of
314 children's legal services to prepare and present cases in
315 dependency court. The contracted attorneys shall ensure that the
316 court is provided with adequate information for informed
317 decisionmaking in dependency cases, including, at a minimum, a
318 face sheet for each case which lists the names and contact
319 information for any child protective investigator, child
320 protective investigator supervisor, and the regional department
321 official responsible for the lead agency contract. The
322 contracted attorneys shall provide to the court the case
323 information and recommendations provided by the lead agency or
324 subcontractor. For the Sixth Judicial Circuit, the department
325 shall contract with the state attorney for the provision of
326 these services.

327 (b) The contracted attorneys shall adopt the child welfare
328 practice model, as periodically updated by the department, that
329 is used by attorneys employed by the department. The contracted



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330 attorneys shall operate in accordance with the same federal and
331 state performance standards and metrics imposed on children's
332 legal services attorneys employed by the department.

333 (c) The department and contracted attorneys providing
334 children's legal services shall collaborate to monitor program
335 performance on an ongoing basis. The department and contracted
336 attorneys', or a representative from such contracted attorneys'
337 offices, shall meet at least quarterly to collaborate on federal
338 and state quality assurance and quality improvement initiatives.

339 (d) The department shall conduct an annual program
340 performance evaluation which shall be based on the same child
341 welfare practice model principles and federal and state
342 performance standards that are imposed on children's legal
343 services attorneys employed by the department. The program
344 performance evaluation must be standardized statewide and the
345 department shall select random cases for evaluation. The program
346 performance evaluation shall be conducted by a team of peer
347 reviewers from the respective contracted attorneys' offices that
348 perform children's legal services and representatives from the
349 department.

350 (e) The department shall publish an annual report
351 regarding, at a minimum, performance quality, outcome-measure
352 attainment, and cost efficiency of the services provided by the
353 contracted attorneys. The annual report must include data and
354 information on the performance of both the contracted attorneys'
355 and the department's attorneys. The department shall submit the
356 annual report to the Governor, the President of the Senate, and
357 the Speaker of the House of Representatives no later than
358 November 1 of each year that the contracted attorneys are



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359 receiving appropriations to provide children's legal services
360 for the department.

361 (24) In collaboration with lead agencies, service
362 providers, and other community stakeholders, the department
363 shall develop a statewide accountability system based on
364 measurable quality standards. The accountability system must be
365 implemented by July 1, 2021.

366 (a) The accountability system must:

367 1. Assess the overall health of the child welfare system,
368 by circuit, using grading criteria established by the
369 department;

370 2. Include a quality measurement system with domains and
371 clearly defined levels of quality. The system must measure the
372 performance standards for child protective investigators, lead
373 agencies, and children's legal services throughout the system of
374 care, using criteria established by the department, and, at a
375 minimum, address applicable federal- and state-mandated metrics.

376 3. Align with the principles of the results-oriented
377 accountability program established under s. 409.997.

378 (b) After the development and implementation of the
379 accountability system under this subsection, the department and
380 each lead agency shall use the information from the
381 accountability system to promote enhanced quality service
382 delivery within their respective areas of responsibility.

383 (c) By December 1 of each year, the department shall submit
384 a report on the overall health of the child welfare system to
385 the Governor, the President of the Senate, and the Speaker of
386 the House of Representatives.

387 (d) The department may adopt rules to implement this



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388 subsection.

389 (25) Subject to an appropriation, for the 2020-2021 and
390 2021-2022 fiscal years, the department shall implement a pilot
391 project in the Sixth and Thirteenth Judicial Circuits,
392 respectively, aimed at improving child welfare outcomes.

393 (a) In implementing the pilot projects, the department
394 shall establish performance metrics and performance standards to
395 assess improvements in safety, permanency, and the well-being of
396 children in the local system of care for the lead agencies in
397 those judicial circuits. Such metrics and standards must be
398 aligned with indicators used in the most recent federal Child
399 and Family Services Reviews.

400 (b) The lead agencies in the Sixth and Thirteenth Judicial
401 Circuits shall provide performance data to the department each
402 quarter. The department shall review the data for accuracy and
403 completeness and then shall compare the actual performance of
404 the lead agencies to the established performance metrics and
405 standards. Each lead agency that exceeds performance metrics and
406 standards is eligible for incentive funding.

407 (c) For the first quarter of each fiscal year, the
408 department may advance incentive funding to the lead agencies in
409 an amount equal to one quarter of the total allocated to the
410 pilot project. After each quarter, the department shall assess
411 the performance of the lead agencies for that quarter and adjust
412 the subsequent quarter's incentive funding based on its actual
413 prior quarter performance.

414 (d) The department shall include the results of the pilot
415 projects in the report required under s. 20.19(7). The report
416 must include the department's findings and recommendations



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417 relating to the pilot projects.

418 (e) This subsection expires July 1, 2022.

419 Section 6. Subsections (6) and (7) of section 1004.615,
420 Florida Statutes, are renumbered as subsections (9) and (10),
421 respectively, and new subsections (6), (7), and (8) are added to
422 that section, to read:

423 1004.615 Florida Institute for Child Welfare.—

424 (6) The institute and the Florida State University College
425 of Social Work shall design and implement a curriculum that
426 enhances knowledge and skills for the child welfare practice.
427 The institute and the college shall create the curriculum using
428 interactive and interdisciplinary approaches and include
429 opportunities for students to gain an understanding of real-
430 world child welfare cases. The institute shall disseminate the
431 curriculum to other interested state universities and colleges
432 and provide implementation support. The institute shall contract
433 with a person or entity of its choosing, by November 1, 2020, to
434 evaluate the curriculum and make recommendations for
435 improvement. The college shall implement the curriculum during
436 the 2021-2022 school year. This subsection is subject to an
437 appropriation.

438 (7) The institute, in collaboration with the department,
439 community-based care lead agencies, providers of case management
440 services, and other child welfare stakeholders, shall design and
441 implement a career-long professional development curriculum for
442 child welfare professionals at all levels and from all
443 disciplines. The professional development curriculum must
444 enhance the performance of the current child welfare workforce,
445 address issues related to retention, complement the social work



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446 curriculum, and be developed using social work principles. The
447 professional development curriculum shall provide career-long
448 coaching, training, certification, and mentorship. The institute
449 must provide the professional support on a continuous basis
450 through online and in-person services. The professional
451 development curriculum must be available by July 1, 2021. The
452 Department of Children and Families must approve the curriculum
453 prior to implementation. This subsection is subject to an
454 appropriation.

455 (8) The institute shall establish a consulting program for
456 child welfare organizations to enhance workforce culture,
457 supervision, and related management processes to improve
458 retention, effectiveness, and overall well-being of staff to
459 support improved child welfare outcomes. The institute shall
460 select child welfare organizations through a competitive
461 application process and provide ongoing analysis,
462 recommendations, and support from a team of experts on a long-
463 term basis to address systemic and operational workforce
464 challenges. This subsection is subject to an appropriation.

465 Section 7. The Department of Children and Families, in
466 collaboration with the Florida Institute of Child Welfare, shall
467 develop an expanded career ladder for child protective
468 investigations staff. The career ladder shall include multiple
469 levels of child protective investigator classifications,
470 corresponding milestones and professional development
471 opportunities necessary for advancement, and compensation
472 ranges. The department must submit a proposal for the expanded
473 career ladder to the Governor, the President of the Senate, and
474 the Speaker of the House of Representatives no later than



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475 November 1, 2020.

476 Section 8. (1) For the 2020-2021 fiscal year, the sum of
477 \$8,235,052 in recurring funds is appropriated from the General
478 Revenue fund to the Department of Children and Families for
479 incentive funding for the pilot projects required in s.
480 409.998(25), Florida Statutes, as created by this act.

481 (2) For the 2020-2021 fiscal year the sum of \$5,350,000 in
482 recurring funds from the General Revenue Fund is appropriated to
483 the Department of Children and Families, and 2,907,885 in rate
484 is authorized for the establishment of the Office of Quality, as
485 required in s. 20.19(7), Florida Statutes. The department is
486 authorized to reassign up to 125 currently authorized positions
487 and submit budget amendments pursuant to chapter 216, Florida
488 Statutes, for the Office of Quality to administer and implement
489 the provisions of this act.

490 Section 9. Sections 1, 2, and 3 of this act may be cited as
491 the "State of Hope Act."

492 Section 10. This act shall take effect upon becoming a law.

493
494 ===== T I T L E A M E N D M E N T =====

495 And the title is amended as follows:

496 Delete everything before the enacting clause
497 and insert:

498 A bill to be entitled
499 An act relating to the Department of Children and
500 Families; amending s. 20.19, F.S.; revising duties and
501 membership of community alliances; requiring the
502 department to establish an Office of Quality;
503 providing duties of the office; requiring the office



504 to develop and submit a report to the Governor and the
505 Legislature annually by a specified date; authorizing
506 the department to adopt rules; amending s. 402.402,
507 F.S.; requiring the department to implement certain
508 policies and programs to improve the well being of
509 certain employees; adding requirements to an annual
510 report; amending s. 409.988, F.S.; requiring community
511 based care lead agencies to name a liaison with the
512 faith-based community; amending s. 409.991, F.S.;
513 defining the term "core services funds"; requiring the
514 department to develop a methodology to identify and
515 report the optimal level of funding for community-
516 based care lead agencies; providing requirements for
517 the allocation of core services funds; requiring the
518 Secretary of the Department of Children and Families
519 to submit a report to the Governor and Legislature
520 annually by a specified date; providing requirements
521 for such report; authorizing the department to adopt
522 rules; requiring certain funding to be allocated based
523 on the department's methodology, unless otherwise
524 specified in the General Appropriations Act; amending
525 s. 409.996, F.S.; requiring the department to develop
526 a statewide accountability system; requiring that such
527 system be implemented by a specified date; providing
528 requirements for such accountability system; requiring
529 the department and lead agencies to promote enhanced
530 quality service delivery; requiring the department to
531 submit a report to the Governor and the Legislature
532 annually by a specified date; authorizing the



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533 department to adopt rules; requiring the department to
534 implement pilot projects to improve child welfare
535 outcomes in specified judicial circuits; requiring the
536 department to establish performance metrics and
537 standards to implement the pilot projects; requiring
538 lead agencies in specified judicial circuits to
539 provide certain data to the department each quarter;
540 requiring the department to review such data;
541 authorizing the department to advance incentive
542 funding to certain lead agencies that meet specified
543 requirements; requiring the department to include
544 certain results in a specified report; providing for
545 future expiration; amending s. 1004.615, F.S.; to
546 require the Institute for Child Welfare to develop a
547 child welfare education curriculum; develop a child
548 welfare workforce curriculum; provide a consulting
549 program for child welfare organizations; requiring the
550 institute and the Department of Children and Families
551 to develop a proposal for a career ladder for child
552 protective investigations staff; providing a short
553 title; providing an appropriation; providing an
554 effective date.