

Sole-source Special Community Initiatives Grant Application Form



This form is to be used to apply for non-competitive funds from the Escambia Children's Trust (ECT). Sole-source Special Community Initiatives requests for funding may be submitted by a community organization based solely upon the applicant's initiative and not in response to a formal solicitation or procurement process of the ECT. Applications will be considered for funding on a case-by-case basis. Please allow up to eight (8) weeks for a funding decision.

APPLICANT INFORMATION

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Organization: Legal Services of North Florida
1741 N. Palafox Street; Pensacola, Florida 32501

Program Address: _____

Administrative Address (if different): 2119 Delta Blvd., Tallahassee, Florida 32303

REQUEST INFORMATION

Need Statement: What priority need(s) identified in the ECT Needs Assessment will this project address in Escambia County?

Legal Services of North Florida submits this application for its "Expanded Representation for Children in Need" as a sole source application as we are the only non-profit civil legal aid provider in Escambia County with the history and experience to represent children in the dependency and educational systems. This application focuses on two primary needs of children in our communities: Children in dependency and Children in need of Educational Advocacy. We recognize that there are other needs that could be supported by legal services and believe this to a good foundation on which to build. Based on our own experience and expertise, the proposed program will address the following priority needs as identified in the ECT Needs Assessment:

- 1) **Expanded Representation for Children in or facing Dependency** – LSNF recognizes and supports the goal of permanency for children in the dependency

system. It is well researched that the best outcomes for children occur when they are raised in a stable, nurturing family environment.

LSNF attorneys in Escambia County have the knowledge, experience, and community trust that is required to meet the needs of vulnerable children. LSNF attorneys began serving as Attorney for the child – sometimes called Attorney Ad Litem (AAL) - in 2005, even before there was a special needs statute requiring appointment. Primarily, our appointments were for children being involuntarily committed, although judges often identified other children with needs for attorney appointment. In 2014, the Florida Legislature passed §39.01305, Fla. Stat., *Appointment of an Attorney for a dependent child with certain special needs*. This statute requires children in five categories to be appointed an attorney. Those categories are a Dependent Child who 1) resides in or is being considered for placement in an skilled nursing home; 2) is prescribed a psychotropic medication and declines assent to the medication; 3) has a diagnosis of developmental disability as described in §393.063, Fla. Stat; 4) is being placed or considered for placement in a residential treatment facility; or 5) is a victim of human trafficking as defined in §787.06(2)(d), Fla. Stat. Appointments under this statute require the attorney to provide a complete range of legal services for a fee of approximately \$1000/year. The time involved in adequately representing children in dependency well exceeds this fee. LSNF receives funds annually from the United Way of West Florida, the Florida Bar Foundation, Legal Services Corporation, and Escambia County to support our current work with children in Escambia County. With existing resources, LSNF handled 76 cases for children in 2019, 63 in 2020, 70 in 2021, and 129 thus far in 2022. We are not requesting funds to duplicate this work.

As cited in the Escambia County Trust's Needs Assessment, evidence-based models support the need for attorneys to represent each child going through the dependency system. The removal rate in Escambia County has been higher than the state average for the past six years. With child abuse rates over two times the state average and sexual abuse of 5–11-year-olds also more than twice the state average. This ranks Escambia County number five in the state for children, ages 5-11, experiencing child abuse. The links to child abuse and poverty are strong. When parents can't afford childcare, they are often forced to leave their children, unknowingly, in the care of an abuser or predator. It is critical that children have an attorney who understands the trauma they've experienced and can be that voice for them in court advocating for a permanency plan that supports the child's long-term safety.

Data from the Department of Children and Families also shows that children in Escambia County face significantly more moves and placements over the course of 1,000 days than children in other parts of Florida. While the state average is 5.27, the average in Escambia was 7.60 in the first quarter of 2022, down from 8.29 in the last

quarter of the 2022 fiscal year. Each move risks lost stability, education, chances at reunification/visits, and increased risk of changing disciplinary standards that could lead to delinquency.

Violence in the home has been shown to be a primary predictor of long-term physical and mental-health issues for children. The ECT Needs Assessment showed that Escambia County ranked fourteenth out of Florida's 67 counties with the number of domestic violence reports and up to 70% of children who witness domestic violence are also victims of physical abuse themselves. The Needs Assessment goes on to state that research shows that access to civil legal services reduces domestic violence. These are civil legal services currently offered by LSNF which include filing for protective orders, securing child custody for the non-offending parent, and collaborating with community partners who specialize in safety planning for survivors of domestic violence.

Permanency in 12 months is the goal of the dependency system in Florida. Currently only 17% of children in Escambia County reach permanency within 12 months, compared to Florida's average of 32%. A 2008 report by Chapin Hall's Center for Children at the University of Chicago on *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County* showed that the children who were represented by counsel exited to permanency at rates between 1.38 to 1.59 times higher than children not represented by counsel. The report from Chapin Hall's Center for Children also stated that there were much higher rates of adoption for children represented by counsel showing anywhere from 1.73 to 3.53 times higher than those not represented. It is important to note, the higher rates of adoption and long-term custody reflected in the report did not lower the rates of reunification among children represented by counsel. Due to the complexity of Florida's dependency system, it can be difficult to understand and navigate for anyone, let alone families who are living in poverty and have additional barriers to obtaining counsel.

A recent report by the Steering Committee on Families and Children in Court, formed under Florida Supreme Court Administrative Order AOSC-20-60, looked specifically at cross-over, or dually involved youth in both the dependency and delinquency. The report only assessed the extent to which dependency and delinquency cases are routinely identified, coordinated, and handled by one judicial officer. The background information in the assessment speaks to the effectiveness of service integration, the increased likelihood (47%) of maltreated children to become involved in delinquency, and the need in both cases to address the root causes, which can include lack of family engagement, educational achievement, community support, and financial security.

2) **Advocacy in Educational Settings**– LSNF staff attorneys have experience representing and advocating for children who need different levels of educational legal advocacy to support their academic success. This can be legal advocacy for appropriate testing, enforcement of IEPs, delinquency and/or behavioral reprimands, access to appropriate resources to support learning, or access to financial aid and scholarships. There are many factors that lead to a child needing legal educational advocacy. Resources must be made available to all families and children who need access to legal advocacy in order to have access to education.

Often children act out when they are frustrated, overwhelmed, or don't understand academic material. This can result in behavioral and disciplinary issues causing further impairment to the child's ability to learn. By providing legal advocacy, LSNF can advocate for the testing of any underlying learning challenges, trauma, mental health, or developmental delays, learning challenges can be identified and supports put in place to increase the child's ability to be successful in school. Ensuring that IEPs address all educational barriers, provide for access to resources needed for success, and enforce the IEPs are critical outcomes and benefits of legal advocacy.

As stated in the Escambia County Children's Trust Needs Assessment, while school policing has declined, children with disabilities and Black children continue to be disproportionately chronically absent and are referred to law enforcement or have a school related arrest. If legal resources are made available through the ECT, LSNF children going through educational disciplinary process can have an attorney advocating for other options, as cited in the ECT Needs assessment, such as conflict-resolution workshops, trauma-informed care, and culturally responsive interventions in place of court hearings. Some of the underlying environmental factors that contribute to delinquency and disciplinary actions are the same factors that contribute to low graduation rates which include poverty, health challenges, disabilities, and difficult family circumstances. Many of the environmental factors the ECT Needs Assessment shows which are associated with low graduation rates and high rates of delinquency, LSNF already has legal expertise in those areas and can assist clients with those factors including government benefits, Medicaid, educational advocacy, and domestic violence and sexual violence injunctions for protection. By representing children at the administrative level with schools who are focused on punitive punishments, LSNF can advocate for the student for alternative strategies that constructively address a child's behavior. As well as advocating for any additional testing to determine if the student may have underlying, unaddressed learning disabilities or environmental factor that may be contributing to poor or disruptive behavior. Intervention plans can be developed for these students in collaboration with community partners identified by the ECT.

LSNF has engaged in educational advocacy for nearly 20 years through various partnerships within our service area. Most recently, in 2015, LSNF received funding through Sunday's Child to specifically address issues of bullying within the school setting. LSNF created training programs and reporting processes with school personnel to truly address educational issues related to bullying. Often the bully is maltreated at home or a victim of bullying themselves. Creating a dialogue and accountability system to ensure all issues are addressed allowed us to ensure as little disruption in the educational process as possible as a result of bullying. We have continued some of this work through other grants from the state, Florida Bar Foundation, and Department of Justice. Much of our current advocacy is for children in dependency. This proposal will allow us to dedicate more permanent resources to issues of education and learning.

Program Description: What services will be offered for children? How many children will be served? How and where? By whom? Please list all project partners and their roles.

Services Offered:

- 1) Dependency: LSNF proposes to provide representation to an additional 70 children annually who are dependent. Representation will include extended representation as needed to improve the child's stability and likelihood of reaching permanency. This includes representation in courts (housing, consumer, probate, etc.) and administrative proceedings as needed – for example, Social Security, DCF benefits and Master Trust hearings, and IRS disputes.)

We will also offer training to the family services case workers on identifying civil legal issues where representation of the child, or early referral of a parent, may increase likelihood of permanency. We anticipate one training per quarter.

- 2) Education: LSNF proposes to provide legal assistance in education issues to 90 children in need of some level of legal assistance. This number may increase over three years with outreach and education.

In addition, this work will include community education presentations on various legal issues including individual education plans (IEPs), student and parental rights surrounding expulsions and suspensions, school safety, bullying, and access to a free and adequate education as defined under federal and state law. We anticipate at least one targeted community education event per quarter.

Where addressing other legal needs – housing, benefits, Medicaid, etc. – will help to improve educational outcomes, LSNF will review those cases and fund with other resources not included within this proposal.

Children Served:

- 1) Dependency: This component will focus on youth who are cross-over youth – in both the delinquency and dependency process; and youth under the age of 12 who are not special needs under Florida Statutes yet face special legal issues requiring legal counsel.
- 2) Education: This project will focus on serving children with special educational needs and children facing barriers to receiving education, including those with mental health issues, children of color, and children with language barriers to education.

How/Where: All services will be provided by LSNF staff or covered volunteers. Our main office in Escambia is at 1741 N. Palafox Street. Other services will be provided where needed as is in the best interests of the child – school, court, etc. Our budget includes the cost of travel for our staff to visit children as necessary. It is important that children feel safe and in a trusted location. This project will require LSNF to rent additional office space in Escambia County and that cost is also included.

Who will provide: Services will be provided by LSNF staff including attorneys, paralegals, child advocates, and support staff. LSNF will hire and/or designate existing staff to this project. Specifically, funds will support 3 FTE attorneys, 2 paralegals, 2s child advocates, a law office coordinator, supervision by managing attorneys, and other support staff, including indirect and overhead costs.

Our staff have significant experience and expertise in representing children and families with children. All staff receive regular training on trauma-informed care, representation of victims and survivors of abuse, and cultural competency/humility; along with substantive training on dependency, family law, education law, and other areas of law relevant to the comprehensive representation of families and children in need. Where possible, we will also recruit pro bono attorneys and other volunteers to support this work. Pro bono attorneys often help with matters in which they specialize, including supporting our own attorneys through co-counseling or consulting.

Anticipated Outcomes: What will the outcomes of your project be? How will you measure success for the project? Which ECT indicators will the project address?

Anticipated Outcomes: LSNF's anticipated outcomes are based on our current work in Escambia County, the ECT Needs Assessment priority areas, and the expectation that with additional staff services will be expanded to enable LSNF greater capacity to serve children and families in need of legal advocacy.

Dependency

Outcome 1: Improved legal resources for children to provide stability for the family and expedite opportunities for permanency.

Outcome 2: Improved access to and receipt of services and community supports for foster youth and increased chance for successful permanency outcomes including receipt of APD, SSI, master trust proceeds and improved educational services.

Outcome 3: Improve eligibility and stability for older youth aging out of foster care to programs such as Extended Foster Care, permanent guardianship, and adoption.

Outcome 4: Increased numbers of youth in the dependency system appointed a qualified and effective attorney.

Outcome 5: Enhanced support for immigrant children in dependency.

Outcome 6: Improved transition of foster youth moving schools, including reduced time lost and improved achievement.

Educational Advocacy

Outcome 1: Increased number of children accessing educational advocacy resources.

Outcome 2: Improved compliance with IDEA protections for youth with disabilities.

Outcome 3: Improved effective use of threat assessments without harming vulnerable students, reducing the need for suspensions/expulsions and improving use of alternative resolutions.

Outcome 4: Improved access to therapeutic services at school.

Measuring Success:

Internal data collection: LSNF fully utilizes LegalServer to collect relevant outcomes and benefits achieved for clients we serve. We will regularly analyze this data to identify trends across our service area. In addition to currently collected case data, we will add additional data points as needed. The outcomes data collected on closing a case will show change related to the individual client, while broader reports will assist in identifying other issues.

DCF data: LSNF regularly accesses available public data from DCF and community providers involving placements, permanency, attorney appointments, and related data. Other entities also review and report on this data, like the Florida Kids Count, supported by the Annie E. Casey Foundation.

DJJ data: DJJ maintains interactive data reports on delinquency, crossover youth, and disproportionate minority detail. We access and review to better advocate for clients and determine trends.

Community data: LSNF will continue to participate and review results from the Escambia Children's Trust and other community needs assessments to inform our work with children served through this project.

ECT Indicators Addressed:

Through this project, LSNF will provide a critical missing piece to the comprehensive children's advocacy approach laid out in the ECT Needs Assessment. LSNF will provide direct representation and client-based advocacy focused on improving the lives of vulnerable children and families in Escambia County. Our legal advocacy will focus on legal services for children going through the dependency process and provide them with their own legal advocate to help the navigate the often overwhelming and retraumatizing system. LSNF will also provide educational advocacy for children who are met with a variety of different barriers to accessing their education.

The indicators which may be addressed through this proposal in the areas of dependency and educational advocacy include:

- Chronic absenteeism
- 3rd graders scoring level 3 or higher on ELA
- % of students absent 21+ days from school, K-12
- % of students who graduated with a standard diploma within four years of their initial enrollment in 9th grade
- Children in foster care who achieve permanency in 12 months, FY22 average
- Youth arrests, all offenses, ages 10-17, rate per 100,000
- In-school and out-of-school suspensions, rate per 1,000
- % students arrested & referred to law enforcement
- Domestic violence offences, rate per 100,000
- Children ages 5-11 experiencing child abuse, rate per 100,000

FUNDING INFORMATION

Is your agency currently receiving other funding from the ECT? Yes No

Have you spoken to an ECT team member regarding your request? Yes No

Other Funding Source(s): Legal Services Corporation, Florida Bar Foundation, United Way of West Florida, Judicial Administration Commission, Fundraising/Donations, rental income.

Other Funding Amount: \$191,236

Total Project Budget (3 years): \$ 2,287,698

Amount Requested from ECT: \$ 2,095,807

- Attach a Detailed Project Budget (please use one of the following file formats: DOC, DOCX, XLS, XLSX, TXT)

- Attach any Additional Information that you would like to be considered by ECT.
 - 2021 LSNF Annual Report
 - 2021 LSNF Infographic
 - "Expediting Permanency: Legal Representation for Foster Children in Palm Beach County," Zinn, Andrew and Slowriver, Jack; Center for Children at the University of Chicago (2008)
 - Steering Committee on Families and Children in the Court, Report – Charge 1, June 2022.

The undersigned confirms that the proposed project:

- Addresses identified gaps in services or community needs identified in the Trust's needs assessment
- Is typically administered in Escambia County solely by the applicant(s)
- Provides a specialized or unique service or product that does not lend itself to a competitive proposal process

Leslie N. Powell-Boudreaux
Name of Authorized Official

Executive Director, Legal Services
of North Florida (LSNF)
Title


Signature of Authorized Official

11/1/2022
Date Signed