

## No break on foster care accountability: Agencies have a lot of nerve asking for a favor now

By **THE PALM BEACH POST**

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Some legislators are more interested in protecting the private sector than they are in protecting Florida's children.

Identical bills in the House and Senate would cap damages that private, not-for-profit agencies in charge of foster care must pay in lawsuits, regardless of negligence. Great timing. This week, Florida Department of Children and Families Secretary David Wilkins admitted to a Senate committee that the death last month of 10-year-old Nubia Barahona and near death of her twin brother, Victor, resulted from systemic failures within DCF and one of those private agencies.

"It was evident to me that the situation was fueled by much more than just a few employee mistakes," Mr. Wilkins told the Children, Families and Elder Affairs Committee. He cited "outdated business processes, conflicting rules, institutional problems of quality governance and accountability." The Legislature privatized foster care in 1998 supposedly because private agencies could do a better job than the state. Why hold them less accountable?

The twins' adoptive parents have been charged in the beating death of Nubia, whose body police found inside a garbage bag in her father's truck along Interstate 95 in West Palm Beach. They found her brother convulsing on the front seat after being scalded with toxic chemicals. They had been in foster care with the Barahonas before the couple adopted them. Our Kids of Miami-Dade/Monroe Inc. handled the adoption.

"You have some gall to do that in the face of these sort of atrocities," committee chairwoman Ronda Storms, R-Valrico, said of the agencies seeking the legislation. "You are paid very well And then to say when a tragedy like this happens but you don't have any penalty? That is not acceptable to me and I am not going to support that."

Sen. Storms is right. All directors of the private, not-for-profits - which operate with state money - are indeed paid very well, and most of their social workers earn more than DCF employees. OurKids CEO Frances Allegra, who served on Gov. Scott's health and human services transition team, earned more than \$200,000 in 2010. Mr. Wilkins will earn \$140,000 this year. Directors of the private not-for-profits managing foster care in South Florida and the Treasure Coast earn more than Mr. Wilkins. Palm Beach County's Child and Family Connections Inc.'s CEO earned the lowest last year, at \$143,000.

OurKids also spent \$169,024 from 2006 to 2008 for lobbyists in Tallahassee. The agency provided information to help draft the legislation that would limit their liability, and is paying lobbyist Ron Book \$65,000 to push it. A spokeswoman said the agency does not use any of the nearly \$100 million it receives annually in state money to pay lobbyists.

HB 1019 and SB 1500, sponsored by Rep. Scott Plakon, R-Longwood, and Sen. Jack Latvala, R-St. Petersburg, would cap financial awards for pain and suffering at between \$200,000 and \$1 million, and would cap economic damages at \$2 million. The bills also would lower the amount of liability insurance the agencies must carry from \$1 million to \$500,000. The measures also would hold DCF harmless from lawsuits filed against the agencies.

Michael Cusick, president and CEO of the Florida Coalition for Children, an umbrella group of private foster care providers, told The Post that the legislation would keep the private foster care system from

going bankrupt. Given what the agencies pay their executives, that claim is bogus. The Legislature should reject this attempt by private agencies that want to accept money from the public without being adequately accountable to the public.

- Rhonda Swan,

for The Palm Beach Post Editorial Board

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