

Commentary: Private child welfare providers must carry adequate insurance

By CHRISTINA SPUDEAS

How dare they? As The Post's Pat Beall reported Friday, Florida's privatized child welfare companies want to limit their liability and accountability by asking the Legislature to let them off the hook for having to pay for kids who are badly injured while in their care.

These companies should be cringing, knowing that their bill came out in the midst of a public investigation into the Barahona case in Miami-Dade County, one of the most horrific child-abuse cases involving foster care our state has ever seen. This bill should be called the Barahona Child Abuse Enabling Act.

When the state privatized child welfare in 1998, it asserted that children would be safer if private providers had to carry insurance in amounts greater than the state's own limited liability. But at the same time, the state set a reasonable cap on insurance payouts, so the companies could afford the premiums. In 2007, the Legislature even let the private providers pool, so they could save even more on insurance premiums, which are paid for with state dollars given to the companies.

Now, the private companies want to limit their liability significantly more. The maximum amount of insurance could be eaten up pretty quickly by a child who suffered severe injuries in state care and needed lifelong medical attention. We don't know Victor Barahona's medical costs to date, but it's not hard to imagine how high those bills could pile up and how long they could continue.

Private foster-care providers say they need more affordable insurance, but based on a report from Gov. Scott's transition team, they wouldn't be saving much at all. An injured child still could petition the Legislature for a claims bill, to get tax money for medical expenses over and above what the insurance policy paid out. It can take claims bills years to get approval, and in the meantime the injured child suffers. Why should that happen when the private companies are the ones who benefit?

Under the legislation (House Bill 1019/Senate Bill 1500), agencies could spend their "savings" however they want. That could mean more big bonuses for the people running the companies. How do you explain that to a state child-abuse investigator who's gone years without a raise or has been put on furlough to help balance the budget? In addition to limiting liability for the private companies, the proposed bills also reduce the Department of Children and Families' accountability for overseeing the work of private providers.

Florida entrusts private child welfare providers with girls and boys who were abused and neglected by their parents. For the most part, the private companies do a good job. But sometimes, things go very wrong. That's why it is important for them to have adequate insurance.

Also, insurance companies are another check on how the private providers treat the children entrusted to their care. The insurer can do risk management, and cause a private company to

look carefully at how it treats children. Some insurance policies may increase because too many kids have been harmed.

Each child welfare death and serious injury teaches us important lessons about how the child welfare system can do better. Nothing that we have learned suggests that less accountability and lower insurance will better serve children. There's no good timing for legislation like this, but the fact that it is being proposed during two high-profile cases of kids getting killed or hurt badly due to lapses in the system makes it even worse. It feels like a sick joke, with our kids the punch line.

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