

STORAGE NAME: h1871a.hhs

DATE: April 18, 2000

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
HEALTH AND HUMAN SERVICES APPROPRIATIONS
ANALYSIS**

BILL #: HB 1871

RELATING TO: Supervised Family Visitation

SPONSOR(S): Committee on Family Law & Children, Representative Roberts, and others

TIED BILL(S): HB 1869

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) FAMILY LAW & CHILDREN YEAS 7 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
 - (3) GOVERNMENTAL RULES & REGULATIONS YEAS 8 NAYS 0
 - (4) HEALTH & HUMAN SERVICES APPROPRIATIONS YEAS 11 NAYS 0
-

I. SUMMARY:

Currently, there are no standards by which to assess the quality of a supervised visitation program under chapter 753, F.S., in Florida. Often, the clientele served by a program are among the most high-risk for violence. There are presently no guidelines or monitoring capabilities to assure the safety of the clients, the staff, and the community. By administrative order, the Chief Justice of the Supreme Court of Florida established minimum guidelines for supervised visitation programs used by the courts; however there is no statutorily directed guidelines for these programs.

This bill amends s. 414.0252(5), F.S., relating to Family Self-Sufficiency, to include noncustodial parents who maintain contact with their children in the definition of "family," for purposes of determining eligibility for the temporary assistance for needy families (TANF) under 42 U.S.C. 601(a).

This bill creates s. 753.01, F.S., to provide legislative intent for this bill. The intent of the Legislature is to assist in the creation of supervised visitation programs and to provide the means for uniform standards for these programs. This bill also creates s. 753.02, F.S., which provides definitions for chapter 753, F.S.

This bill creates s. 753.03, F.S., which authorizes the Office for Certification and Monitoring of Supervised Visitation Programs under the Clearinghouse on Supervised Visitation. The Clearinghouse would be responsible for certifying and monitoring all supervised visitation programs that receive court referral. In addition, this bill creates s. 753.04, F.S., which delineates the duties of the Clearinghouse, which include promulgating minimum standards to govern the purpose, policies, standards of practice, program content, security measures, qualifications of providers, and training and credentials of staff. An advisory board, consisting of representatives of key players in the supervised visitation arena, is created to assist the Clearinghouse in developing the minimum standards.

It is anticipated that this bill will have a fiscal impact of \$3,520,461 for the initial year. The fiscal impact of each year, thereafter, would be contingent upon the number of centers in operation. See the "Fiscal Comments" section of the bill analysis.

This bill has an effective date of October 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Supervised Visitation Programs

A supervised visitation program provides the opportunity for contact between a noncustodial parent and a child in the presence of a third party responsible for observing and ensuring the safety of those involved. s. 753.001(1), F.S. (1999). Supervised visitation programs provide facilities, resources, and administrative services so that supervised visitations and exchanges may take place in safe and structured settings. Some supervised visitation programs are created and run by the court; some are independent, non-profit groups, and some are components of parent organizations such as the Salvation Army or Children's Home Society. Cases served by supervised visitation programs may include Family Court cases, domestic violence, or dependency. Most programs in Florida accept all types of referral. In Florida, there are at least 25 supervised visitation programs, the majority of which are less than 5 years old.

Chapter 753

In 1996, the legislature created the Family Visitation Network (Network), in Chapter 753, Florida Statutes. See Ch. 96-402, Laws of Florida. Among other things, the Network was charged with serving as a clearinghouse for resources and research of supervised visitation programs; providing technical assistance and other support services to existing and emerging supervised visitation programs; compiling a directory of state-supervised programs containing referral information; formulating a newsletter for supervised visitation programs; and organizing workshops and conferences to address issues and concerns of the programs. s. 753.002, F.S. (1999)

Along with the Network, the legislature created the Florida Family Visitation Task Force, as the governing body of the Network for one year, with the duty of creating bylaws for the Network. s. 753.004, F.S. (1999)

The Clearinghouse on Supervised Visitation

In accordance with 1996 legislation, the Clearinghouse on Supervised Visitation was established within the Institute for Family Violence Studies in the School of Social Work at Florida State University. The Clearinghouse has provided many resources for the

supervised visitation program community, including: developing a competency-based training manual for supervised visitation providers; hosting a 3-day institute on supervised visitation in 1998; publishing The Supervised Visitation Networker, a quarterly newsletter on visitation issues; and publishing an annual directory of Florida's supervised visitation programs.

National Current Situation

Currently, four states - California, Hawaii, Kansas, and Minnesota - have statutory provisions relating to standards for supervised visitation programs. The Supervised Visitation Network, an international network of supervised visitation programs, judges, lawyers, and social workers was created in 1994 to facilitate opportunities for children to have safe and conflict-free access to both parents through a continuum of child access services delivered by competent providers. A chapter of the Supervised Visitation Network has been established in Florida.

Current Situation in Florida

Currently, there are no standards by which to assess the quality of a supervised visitation program in Florida. Often, the clientele served by a program are among the most high-risk for violence. There are presently no guidelines or monitoring capabilities to assure the safety of the clients, the staff, and the community. Chapter 753 did not address these issues, and the provisions for the task force have expired.

By administrative order, the Chief Justice of the Supreme Court of Florida established minimum guidelines for supervised visitation programs used by the courts. According to the Chief Justice,

“[supervised visitation programs are one element of a model family court and an important resource for the family court judge. These programs help to: provide a safe environment for a child to visit with a non-custodial parent; facilitate family cooperation; support the family's independence from the court system; and may provide crucial information to the judge. These programs have developed on an informal basis and do not operate under any uniform standards or guidelines. No entity is responsible for providing oversight of the programs that operate outside of the court system.” *In re Supervised Visitation*, Fla. Admin. Order (Nov. 18, 1999) (on file with Clerk, Fla. Sup. Ct.).

The chief judge of each circuit is directed to enter into an agreement with supervised visitation centers that are willing to comply with the standards. *Id.* The courts are required to use only those programs that have entered into the agreement with each circuit, effective July 1, 2000. *Id.*

In addition, the Chief Justice requested of the Speaker of the House of Representatives and the President of the Senate that the Legislature address concerns related to supervised visitation programs. Letter from Major B. Harding, Chief Justice, Fla. Sup. Ct., to Sen. Toni Jennings, President, Fla. S., and Rep. John Thrasher, Speaker, Fla. H.R. (Nov. 17, 1999) (on file with House Family Law & Children Committee). The Chief Justice stated “[supervised visitation programs in Florida are a recent phenomena. They have developed on an informal basis and they vary greatly in how they are organized, funded, staffed, and the nature of services they provide. The lack of guidelines or standards for these programs and lack of oversight of these programs, particularly as to staff and visitor safety and staff training, is of great concern.” *Id.*

During the 1999 Interim, committee staff assembled a workgroup that included representatives from the Clearinghouse on Supervised Visitation, the Department of Children and Family Services, the Florida Coalition Against Domestic Violence, and the Office of the State Courts Administrator to draft legislation addressing the need for certification and monitoring of Florida's supervised visitation programs. This bill is the product of that workgroup.

C. EFFECT OF PROPOSED CHANGES:

This bill creates the Office for Certification and Monitoring of Supervised Visitation Programs under the Clearinghouse on Supervised Visitation. The Clearinghouse would be responsible for certifying and monitoring all supervised visitation programs that receive court referral. The duties of the Clearinghouse will include promulgating minimum standards to govern the purpose, policies, standards of practice, program content, security measures, qualifications of providers, and training and credentials of staff. An advisory board, consisting of representatives of key players in the supervised visitation arena, will be created to assist the Clearinghouse in developing the minimum standards. The Clearinghouse, with the assistance of the Advisory board, will also be responsible for creating a formula for distribution of funds available for supervised visitation programs. The bill also provides that the Clearinghouse continue to provide informational materials, competency-based training materials, and a newsletter to the programs.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 414.0252(5), F.S., relating to Family Self-Sufficiency, to clarify the definition of "family" by providing that for the purposes of eligibility for services that meet the TANF, Title 42, section 601(a)(4), U.S.C., goal of encouraging the formation and maintenance of two-parent families, "family" includes non-custodial parents who do not reside in the same household or living unit, but who maintain contact with their children.

Section 2. Creates s. 753.01, F.S., to provide legislative intent for the bill. The intent of the Legislature is to assist in the creation of supervised visitation programs and provide a means to develop and implement uniform standards for the administration and certification of the programs.

Section 3. Creates s. 753.02, F.S., to provide definitions for the chapter. Definitions are provided for "child," "Clearinghouse," "client," "supervised exchange," "supervised visitation," "Supervised Visitation Network," and "supervised visitation program."

Section 4. Creates s. 753.03, F.S., creating the Office for Certification and Monitoring of Supervised Visitation Programs under the Clearinghouse on Supervised Visitation within the Institute for Family Violence Studies of the Florida State University School of Social Work. The section provides permissive authority to the Clearinghouse to certify and monitor all supervised visitation programs that receive court referrals. The section also states that the purpose of certifying supervised visitation programs is to provide uniform standards to ensure the safety of children, parents, others who utilize such programs, the staff, and the surrounding community.

Section 5. Creates s. 753.04, F.S., to provide the duties of the Clearinghouse. The section requires that the Clearinghouse shall: promulgate minimum standards to govern the purpose, policies, standards of practice, program content, security measures, qualifications of providers, training and credentials of staff, and procedures governing all aspects of

supervised visitation program standards; create an advisory board; develop rules for the approval or rejection of certification or funding of supervised visitation programs; develop minimum standards for administration and implementation of supervised visitation programs; approve or reject applications for certification and applications for funding; monitor certified programs annually; create a formula for the distribution of funds available; continue to develop competency-based training materials on supervised visitation, to produce and disseminate a supervised visitation newsletter, to compile data on program utilization, and to provide technical and legal assistance and research to supervised visitation programs; and adopt rules to implement this section.

The section requires that the Clearinghouse collaborate with the executive board of the Florida Chapter of the Supervised Visitation Network and the advisory board created in this section, in promulgating the minimum standards.

Section 6. Repeals sections 753.001, 753.002, and 753.004, F.S.

Section 7. Provides directive to the Division of Statutory Revision of the Office of Legislative Services to retitle chapter 753 as "Supervised Family Visitation."

Section 8. Provides for an appropriation of \$180,461 from the General Revenue Fund to the Clearinghouse on Supervised Visitation for the purpose of certifying and monitoring supervised visitation programs.

Section 9. Provides for an appropriation of \$3,340,000 from the Federal Grants Trust Fund to the Clearinghouse on Supervised Visitation for the purpose of supervised visitation program development.

Section 10. Provides for an effective date of October 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Certification and Monitoring Activities:

	YEAR 1	YEAR 2
SALARIES / BENEFITS:		
Project Director (.10 FTE)	\$10,618	\$10,618
Certification Administrator	\$43,180	\$43,180
Project Coordinator	\$32,385	\$32,385
Project Assistant	\$21,590	\$21,590

	YEAR 1	YEAR 2
EXPENSES:		
Training (3-day institute)	\$ 50,000	\$ 50,000
Travel (advisory board/conference)	\$ 6,000	\$ 6,000
Supplies*	\$ 5,000	\$ 5,000
Indirect Costs (mandatory 5%)	\$ 11,688	\$ 11,688
TOTAL	<u>\$180,461</u>	<u>\$180,461</u>

* In kind services provided by Florida State University include office space, telephone, computers, printers, office equipment, and layout and design services for publications and website.

Supervised Visitation Program Development

Existing Centers (27 x \$100,000)	\$2,700,000
New Centers, Program Development (8 x \$80,000)	<u>\$ 640,000</u>
TOTAL	<u>\$3,340,000</u>

See "Fiscal Comments" section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Additional issues which impact the funding of the supervised visitation program development are provided below:

- The amount of state funding for which any particular program is eligible should be reduced by the amount of funds received from other sources. State funding should also be contingent on certification by the Department of Children and Family Services and compliance with all relevant state and local laws.
- The difficulty in presenting a sample program budget arises from the vast diversity in program models. For example, some programs have office space and related expenses donated, others receive free security, still others utilize community volunteers but have paid staff supervisors, directors, and trainers.
- New centers are needed throughout the state. Identification of need can be made in cooperation between child protection agencies, domestic violence shelters, and the

court. Emphasis should be given to rural areas, and areas in which centers are not currently located.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take an action requiring expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state sales tax shared with municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

In accordance with s. 120.536(1), F.S., the Administrative Procedure Act, this bill provides direction to the Clearinghouse on Supervised Visitation as to the specific duties and powers to be implemented by rule. This bill provides that the Clearinghouse on Supervised Visitation shall promulgate minimum standards to adopt for the purposes of certifying and monitoring supervised visitation programs. See Section 4 of the bill. Specifically, the standards must address the purpose, policies, and standards of practice, program content, security measures, qualification of providers, training and credentials of staff, and procedures governing all aspects of supervised visitation program standards.

In addition, the Clearinghouse is instructed to develop by rule the criteria for approval or rejection of certification or funding of supervised visitation programs, and the minimum standards for the administration and implementation of supervised visitation programs to ensure the safety of families and staff in the programs.

Further, the Clearinghouse is directed to adopt rules to implement the provisions of the section.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 30, 2000, the Committee on Governmental Operations heard this bill and adopted one amendment. The bill was reported favorably as amended.

The amendment adopted provided a more detailed definition of "family" for the purposes of meeting TANF goals in order to qualify for TANF funding.

On April 18, 2000, the Committee on Health & Human Services Appropriations adopted one amendment and reported the bill favorably. The amendment removed sections 8 and 9 of the bill providing appropriations to the Clearinghouse on Supervised Visitation. Implementation of specific provisions within the bill are now contingent upon an appropriation in the General Appropriations Act.

VII. SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

Staff Director:

Maggie Geraci

Carol Preston

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Staff Director:

Jennifer D. Krell

Jimmy O. Helms

AS FURTHER REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:

Prepared by:

Staff Director:

Shari Z. Whittier

David M. Greenbaum

AS FURTHER REVISED BY THE COMMITTEE ON HEALTH AND HUMAN SERVICES APPROPRIATIONS:

Prepared by:

Staff Director:

Tom Weaver

Lynn Dixon