

By the Committee on Children and Families

300-630A-01

1 A bill to be entitled
2 An act relating to domestic violence; requiring
3 the Department of Children and Family Services,
4 contingent upon the appropriation of funds, to
5 provide training on domestic violence and child
6 protection to specified professionals by a
7 specified date; providing for the Florida
8 Coalition Against Domestic Violence, contingent
9 upon the appropriation of funds, to provide
10 training to specified professionals by
11 specified dates; providing for the content of
12 training; requiring the department to assess
13 the need for special training of staff members
14 and professionals who interact with families in
15 which there is domestic violence and child
16 abuse; requiring collaboration with other
17 groups and state agencies; requiring a report
18 to the Governor and the Legislature; requiring
19 the department to conduct pilot programs in
20 which department staff perform the role of
21 domestic violence consultants participating in
22 protective investigative units; specifying
23 duties of the consultants; specifying
24 qualifications and minimum numbers of such
25 consultants per county; providing for
26 compensation; requiring the department to
27 collect and analyze data on the effectiveness
28 of the domestic violence consultants; requiring
29 a report to the Governor and the Legislature;
30 providing guidelines for administrative rules
31 or operating procedures relating to protective

1 investigations of families in which domestic
2 violence exists; requiring the department to
3 form a work group concerned with the procedures
4 for identifying perpetrators of child abuse;
5 requiring a report to the Governor and the
6 Legislature; providing for pilot programs of a
7 Domestic Violence/Child Abuse Early
8 Intervention Initiative; providing eligibility
9 guidelines for families who are to be served by
10 the program; providing components of the
11 initiative; providing eligibility standards for
12 communities that may be sites for such
13 initiatives; requiring entities that enter into
14 an Interagency Working Agreement to provide
15 joint direction and oversight and to
16 collaborate with the local one-stop delivery
17 system; requiring the department to contract
18 with the Florida Coalition Against Domestic
19 Violence for the administration of the
20 initiative; requiring the coalition to
21 collaborate with the Agency for Workforce
22 Innovation; requiring a third-party evaluation
23 of the initiative; requiring a preliminary and
24 a final report to the Governor and the
25 Legislature; amending s. 741.30, F.S.;
26 requiring batterer's intervention programs to
27 provide to the court certain documents for the
28 case file; providing prerequisites to
29 dissolving an injunction against a respondent
30 in a domestic violence case; requiring the
31 department to conduct an examination of current

1 court processes for requiring domestic violence
2 perpetrators to participate in the batterer's
3 intervention program and of methods for
4 requiring perpetrators who are not captured by
5 the current court processes to participate in
6 such a program; requiring collaboration with
7 specified agencies; requiring a report to the
8 Governor and the Legislature; requiring the
9 Department of Corrections to examine the
10 current mechanisms for monitoring participants'
11 completion of the batterer's intervention
12 program; requiring collaboration with specified
13 agencies; requiring a report to the Governor
14 and the Legislature; requiring collaboration
15 and at least one joint meeting of various work
16 groups; amending s. 39.903, F.S.; revising the
17 duties of the department with respect to
18 domestic violence; amending s. 39.904, F.S.;
19 amending the list of subject matter to be
20 included in the department's annual report to
21 the Legislature on the status of domestic
22 violence cases; providing an effective date.

23

24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. (1) By December 31, 2001, contingent upon
27 the appropriation of funds, the Department of Children and
28 Family Services shall fully implement the department's
29 domestic violence training by providing the training to all
30 existing protective investigators, protective investigator
31 supervisors, foster care counselors, adoption counselors, and

1 protective service counselors who have not yet received the
2 domestic violence training. All operations program
3 administrators in the department must have received the
4 domestic violence training by December 31, 2001.

5 (2) Contingent upon the appropriation of funds, all
6 personnel, paid or unpaid, of domestic violence centers
7 certified under section 39.905, Florida Statutes, who work
8 with victims of domestic violence and their dependents must
9 receive a minimum of 8 hours of training concerning child
10 abuse. This training must, at a minimum, include recognizing
11 and reporting child abuse and the relevant components,
12 process, and role of the child-protection system. The
13 Department of Children and Family Services, in collaboration
14 with the Florida Coalition Against Domestic Violence, shall
15 develop the curriculum. The Florida Coalition Against Domestic
16 Violence shall provide the training to domestic violence
17 staff. Personnel who currently work at the centers must have
18 received the training concerning child abuse by June 30, 2002.
19 Personnel who are hired after June 30, 2001, must have
20 received the training concerning child abuse within 2 years
21 after beginning their employment.

22 (3) Contingent upon the appropriation of funds, the
23 Department of Children and Family Services, in conjunction
24 with the Florida Coalition Against Domestic Violence or the
25 local certified domestic violence center, shall conduct
26 districtwide joint training of domestic-violence-center staff
27 and protective investigator and protective investigator
28 supervisor staff. The purpose of the joint training is to
29 build a common understanding of the functions and perspectives
30 of the child protection and domestic violence systems and the
31 joint role of both systems in protecting both the child and

1 the battered parent. The Department of Children and Family
2 Services shall develop the training in collaboration with the
3 Florida Coalition Against Domestic Violence. The amount of
4 funds appropriated will determine the number of districts in
5 which the joint training is offered. Attendance at this joint
6 training fulfills the domestic violence center staff's
7 requirement for training concerning child abuse.

8 (4) The Department of Children and Family Services
9 shall incorporate into its training concerning the initial
10 child safety assessment, instruction on the injunction process
11 provided in section 39.504, Florida Statutes, as it relates to
12 families in which domestic violence exists and assessment of
13 when this injunction process would and would not offer
14 protection for the child and for the nonabusing parent. The
15 instruction must address the need to use this injunction
16 process only with the consent of the nonabusing parent and in
17 conjunction with a safety plan for the child and for the
18 nonabusing parent.

19 Section 2. The Department of Children and Family
20 Services shall examine the staff positions and professions
21 that interact with families in which there is domestic
22 violence and which are involved in child abuse reporting,
23 protective investigations, or judicial proceedings described
24 in chapter 39, Florida Statutes, and shall identify those who
25 should receive training on the dynamics of domestic violence,
26 the impact of domestic violence on battered parents and
27 children, and the implications of domestic violence for the
28 child protection system. Based on the findings from this
29 examination, the Department of Children and Family Services
30 shall develop recommendations for implementing domestic
31 violence training for each of the identified staff and

1 professions, including, for each staff position and
2 profession, whether existing domestic violence training
3 exists, particular requirements relative to the position or
4 profession which must be met, and the cost of providing the
5 training. At a minimum, staff positions and professions that
6 must be considered include child protection teams, child
7 welfare legal services, Department of Children and Family
8 Services' district attorneys, guardians ad litem, and hotline
9 staff. This examination and development of recommendations
10 must be conducted in collaboration with the Florida Coalition
11 Against Domestic Violence, the Department of Health, the
12 Family Law Section of The Florida Bar, and any other
13 interested organizations identified by the Department of
14 Children and Family Services. All participants in the
15 examination and development of recommendations must attend
16 meetings at their own expense. A report of the recommendations
17 and projections of costs associated with the recommendations
18 must be submitted to the Governor, the President of the
19 Senate, and the Speaker of the House of Representatives by
20 January 1, 2002.

21 Section 3. (1) The Department of Children and Family
22 Services shall conduct a pilot program concerning the use of
23 domestic violence consultants in the protective investigative
24 units in at least three counties. The domestic violence
25 consultants shall provide case consultation and technical
26 assistance with respect to the protective investigations and
27 the determination of interventions if there is domestic
28 violence in the families, with the goal of educating and
29 supporting the protective investigative staff in identifying
30 and assembling the most-effective interventions possible for
31 the children and adult victims. These domestic violence

1 consultants shall serve as a liaison among the department,
2 domestic violence centers, and other community agencies. The
3 domestic violence consultants may also assist in identifying
4 domestic violence, assessing the risk of domestic violence to
5 both the children and the battered parent, assisting with
6 safety planning, and linking the family to community
7 resources.

8 (2) The equivalent of one domestic violence consultant
9 must be allotted for each protective investigative unit for
10 each county. The domestic violence consultants must be
11 existing protective investigators or protective investigator
12 supervisors who have received the department's domestic
13 violence training and additional instruction from their local
14 domestic violence center. A higher level of compensation,
15 commensurate with that of the mentors in the department's
16 Child Protection Certification Program, will be paid to the
17 domestic violence consultants for their added
18 responsibilities. Counties in which the department and the
19 certified domestic violence centers have entered into the
20 Interagency Working Agreement are the only counties in which
21 the pilot program on the use of domestic violence consultants
22 may be conducted.

23 (3) The Department of Children and Family Services
24 shall collect and analyze data on the technical assistance
25 provided to investigations and the families for whom
26 consultation has been provided to determine the extent to
27 which the goal of the domestic violence consultants is being
28 achieved. At a minimum, the data collected must include
29 numbers and types of consultations provided, numbers and types
30 of families involved, utilization of consultants by the
31 protective investigative units, linkages with community

1 resources, and case information such as domestic violence
2 information ascertained, assessments conducted, safety
3 planning, and domestic violence service referrals. A report on
4 the outcome of this analysis of the impact of the domestic
5 violence consultants on the investigations and families shall
6 be submitted to the Governor, the President of the Senate, and
7 the Speaker of the House of Representatives by January 1,
8 2003, and shall be used to consider the use of domestic
9 violence consultants in additional counties.

10 Section 4. The Department of Children and Family
11 Services shall incorporate into administrative rule or
12 operating procedures the following directions to the
13 protective investigation process relative to families in which
14 domestic violence exists:

15 (1) In determining the parent's ability or failure to
16 protect the child or whether the protection of the child can
17 or cannot be assured in cases of domestic violence, the parent
18 should be considered to be unable to protect or to have failed
19 to protect the child only after the investigator has explored
20 all of the circumstances surrounding the abuse, including the
21 battered parent's attempts to seek help.

22 (2) An assessment of whether any current danger of
23 domestic violence to the battered parent exists is to be made,
24 and, if potential danger exists, a referral must be made for
25 the development of a safety plan for the battered parent.

26 (3) Referral for a domestic violence assessment of
27 need and services is to be made when any potential for
28 domestic violence exists.

29 Section 5. (1) The Department of Children and Family
30 Services shall form a work group to examine the process that
31 the Florida Abuse Hotline uses of identifying for the initial

1 abuse report the nonabusing parent as an alleged perpetrator
2 due to failure to protect when an abuser is also identified as
3 an alleged perpetrator. The purpose of this examination is to
4 assess: the value to the investigatory process of identifying
5 a parent as a perpetrator due to failure to protect at the
6 initiation of the report, and the implications of identifying
7 a nonabusing parent as the perpetrator for failure to protect
8 prior to examining the parent's actions.

9 (2) The work group shall consist of representatives of
10 the Department of Children and Family Services, the Florida
11 Coalition Against Domestic Violence, and any other interested
12 organizations identified by the Department of Children and
13 Family Services. All participants in the work group must
14 attend meetings at their own expense. Based on the findings
15 from this examination, the work group shall develop
16 recommendations for any modifications that it determines are
17 needed to the Florida Abuse Hotline process relative to
18 identifying the alleged perpetrator. A report of the findings
19 from the examination, the recommendations, and the
20 department's response regarding implementing the
21 recommendations shall be submitted to the Governor, the
22 President of the Senate, and the Speaker of the House of
23 Representatives by January 1, 2002.

24 Section 6. (1) A pilot program on Domestic
25 Violence/Child Abuse Early Intervention Initiative shall be
26 conducted in designated communities, contingent upon the
27 allocation of funds. The goal of this initiative is to assist
28 families in which there is domestic violence and the potential
29 for risk of harm to the child in the family's efforts to
30 prevent the continuation of the domestic violence and to
31 provide a safe home for the adult victim and children through

1 supports and linking existing community services to the
2 family.

3 (2) Before finding a family eligible for the program
4 created under this section, a determination must be made that:

5 (a) The family includes a parent with one or more
6 minor children or a caretaker relative with one or more minor
7 children.

8 (b) The family has been investigated for child abuse,
9 and domestic violence has been identified in the home, but
10 court-ordered protective services were determined to be
11 unnecessary.

12 (c) The family is at risk of welfare dependency
13 because the family's income does not exceed 200 percent of the
14 federal poverty level.

15 (3) The services or one-time payments provided are not
16 considered assistance under federal law or guidelines.

17 (4) Notwithstanding any provision to the contrary in
18 sections 414.075, 414.085, and 414.095, Florida Statutes, a
19 family that meets the criteria set forth in this section is
20 considered a needy family and is eligible under this section.

21 (5) Participation in the Domestic Violence/Child Abuse
22 Early Intervention Initiative must be voluntary.

23 (6) Receipt of services or a one-time payment under
24 this section does not preclude eligibility for or receipt of
25 other assistance or services under chapter 414, Florida
26 Statutes.

27 (7) The primary components of the Domestic
28 Violence/Child Abuse Early Intervention Initiative must
29 include: assessing how the domestic violence is interfering
30 with the adult victim's ability to protect the child,
31 assessing how domestic violence may be interfering with the

1 adult victim's ability to find and maintain employment,
2 providing the family with a caseworker to support and assist
3 them with those needs that would enable the adult victim to
4 provide herself and her children with a safe home and adequate
5 support for her children, and directing funds to specific
6 needs of the adult victim or child for which community
7 services are not available within the timeframe in which they
8 are needed. The functions of the caseworker may be expanded
9 based on a community's identification of the most effective
10 method for intervening with the targeted population to meet
11 the goal of the initiative. A minimum of \$300 for each family
12 projected to be served must be earmarked to address those
13 needs for which community services are unavailable.

14 (8) The Domestic Violence/Child Abuse Early
15 Intervention Initiative pilot program may be conducted only in
16 a community where the Department of Children and Family
17 Services and the certified domestic violence centers have
18 entered into the Interagency Working Agreement. Communities
19 designated for the pilot program must be chosen from among
20 those communities that have Interagency Working Agreements
21 using a grant process. If funding is available for more than
22 one community and rural communities have applied to
23 participate, the pilot program must be conducted in at least
24 one rural community.

25 (9) The entities entering into the Interagency Working
26 Agreement shall jointly provide direction and oversight to the
27 establishment and operation of the Domestic Violence/Child
28 Abuse Early Intervention Initiative. These entities must also
29 collaborate with the operators of the local one-stop delivery
30 system, pursuant to section 445.009, Florida Statutes, to
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1 ensure that linkages to employment and other supports related
2 to self-sufficiency for participating families are available.

3 (10) The Department of Children and Family Services
4 shall contract with the Florida Coalition Against Domestic
5 Violence for the administration of the Domestic Violence/Child
6 Abuse Early Intervention Initiative, which must include, but
7 is not necessarily limited to, functions related to the grant
8 application, pilot program contracts, monitoring, technical
9 assistance, and the evaluation. The Florida Coalition Against
10 Domestic Violence/Department of Children and Family Services
11 Work Group shall provide guidance to the sites where the pilot
12 program is conducted. The Florida Coalition Against Domestic
13 Violence shall also collaborate with the Agency for Workforce
14 Innovation to ensure that linkages to employment and other
15 supports related to self-sufficiency for participating
16 families are available.

17 (11) A third-party evaluation of the implementation
18 and outcomes of the Domestic Violence/Child Abuse Early
19 Intervention Initiative on the families must be conducted. At
20 a minimum, this evaluation must examine subsequent child abuse
21 hotline calls, removal of children from the home, cost of care
22 per family, services and supports provided, and services not
23 available in the community which would have assisted the
24 families in achieving the goal of this initiative. Families
25 will be tracked for outcome indicators for 1 year. A
26 preliminary evaluation report shall be submitted to the
27 Governor, the President of the Senate, and the Speaker of the
28 House of Representatives by January 1, 2002, and the final
29 evaluation report shall be submitted by January 1, 2003.

30 Section 7. Paragraphs (a) and (b) of subsection (6) of
31 section 741.30, Florida Statutes, are amended to read:

1 741.30 Domestic violence; injunction; powers and
2 duties of court and clerk; petition; notice and hearing;
3 temporary injunction; issuance of injunction; statewide
4 verification system; enforcement.--

5 (6)(a) Upon notice and hearing, the court may grant
6 such relief as the court deems proper, including an
7 injunction:

8 1. Restraining the respondent from committing any acts
9 of domestic violence.

10 2. Awarding to the petitioner the exclusive use and
11 possession of the dwelling that the parties share or excluding
12 the respondent from the residence of the petitioner.

13 3. On the same basis as provided in chapter 61,
14 awarding temporary custody of, or temporary visitation rights
15 with regard to, a minor child or children of the parties.

16 4. On the same basis as provided in chapter 61,
17 establishing temporary support for a minor child or children
18 or the petitioner.

19 5. Ordering the respondent to participate in
20 treatment, intervention, or counseling services to be paid for
21 by the respondent. When the court orders the respondent to
22 participate in a batterers' intervention program, the court,
23 or any entity designated by the court, must provide the
24 respondent with a list of all certified batterers'
25 intervention programs and all programs which have submitted an
26 application to the Department of Corrections to become
27 certified under s. 741.325, from which the respondent must
28 choose a program in which to participate. If there are no
29 certified batterers' intervention programs in the circuit, the
30 court shall provide a list of acceptable programs from which
31 the respondent must choose a program in which to participate.

1 A batterer's intervention program shall provide to the court a
2 notification of the respondent's enrollment and discharge from
3 the program to be placed in the case file. The notification of
4 discharge must specify one of the following categories for
5 discharge and the reason for discharge: completion of the
6 program, rejection of services, or termination from the
7 program.

8 6. Referring a petitioner to a certified domestic
9 violence center. The court must provide the petitioner with a
10 list of certified domestic violence centers in the circuit
11 which the petitioner may contact.

12 7. Ordering such other relief as the court deems
13 necessary for the protection of a victim of domestic violence,
14 including injunctions or directives to law enforcement
15 agencies, as provided in this section.

16 (b) The terms of an injunction restraining the
17 respondent under subparagraph (a)1. or ordering other relief
18 for the protection of the victim under subparagraph (a)7.
19 shall remain in effect until modified or dissolved. Either
20 party may move at any time to modify or dissolve the
21 injunction. No specific allegations are required. Such relief
22 may be granted in addition to other civil or criminal
23 remedies. A respondent who requests to dissolve an injunction
24 must have completed a batterer's intervention program if
25 ordered to do so as a condition of his or her injunction,
26 unless the court finds that there is substantial justification
27 for the respondent's failure to complete the program. The
28 court shall not grant the respondent's request to dissolve the
29 injunction unless there is substantial justification for the
30 respondent's failure to complete the program.

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1 Section 8. (1) The Department of Children and Family
2 Services and the Family Law Section of The Florida Bar shall
3 jointly conduct an examination of the current court processes
4 for requiring domestic violence perpetrators to participate in
5 the batterer's intervention program and potential mechanisms
6 for requiring the participation of domestic violence
7 perpetrators who are not captured by the current court
8 processes, with a particular focus on domestic violence
9 perpetrators in the dependency court process. Based on the
10 findings from this examination, the Family Law Section of The
11 Florida Bar shall develop recommendations for requiring
12 domestic violence perpetrators identified through the
13 dependency court process to participate in the batterer's
14 intervention program. Other domestic violence perpetrators
15 that currently are not captured in the court processes for
16 requiring participation may also be identified and included at
17 the discretion of the Department of Children and Family
18 Services and the Family Law Section of The Florida Bar. This
19 examination and development of recommendations must be
20 conducted in collaboration with the Department of Corrections'
21 Batterer's Intervention Program, the Florida Coalition Against
22 Domestic Violence, the Office of State Courts Administrator,
23 the Dependency Court Improvement Project, representation from
24 a batterer's intervention program, and any other interested
25 organization identified by the Department of Children and
26 Family Services and the Family Law Section of The Florida Bar.
27 The Department of Children and Family Services shall provide
28 meeting space for the work group and staff to prepare minutes
29 of the work group's meetings. The Family Law Section of The
30 Florida Bar shall facilitate the work group's examination and
31 development of recommendations and shall prepare a report of

1 the recommendations. All participants in the process must
2 attend meetings at their own expense. A report of the
3 recommendations shall be submitted to the Governor, the
4 President of the Senate, and the Speaker of the House of
5 Representatives by January 1, 2002.

6 (2) The Department of Corrections shall examine the
7 current mechanisms for monitoring participants' completion of
8 the batterer's intervention program and shall determine the
9 extent to which these mechanisms are ensuring completion of
10 the program. Based on the findings from this examination, the
11 Department of Corrections shall develop recommendations for
12 ensuring participants' completion of the batterer's
13 intervention program. This examination and development of
14 recommendations must be conducted in collaboration with the
15 Department of Children and Family Services, the Florida
16 Coalition Against Domestic Violence, the Dependency Court
17 Improvement Project, the Office of State Courts Administrator,
18 representation from a batterer's intervention program, and any
19 other interested organization identified by the Department of
20 Corrections. All participants in the process must attend
21 meetings at their own expense. A report of the recommendations
22 shall be submitted to the Governor, the President of the
23 Senate, and the Speaker of the House of Representatives by
24 January 1, 2002.

25 (3) The work groups established to conduct each of the
26 examinations delineated in subsections (1) and (2) shall
27 collaborate and share information to the greatest extent
28 possible. The entities participating in each of the
29 examinations must conduct a minimum of one joint meeting to
30 review the findings and collaborate in the development of the
31 recommendations.

1 Section 9. Paragraph (g) is added to subsection (1) of
2 section 39.903, Florida Statutes, to read:

3 39.903 Duties and functions of the department with
4 respect to domestic violence.--

5 (1) The department shall:

6 (g) Promote and facilitate the negotiation and
7 execution of the Interagency Working Agreement between the
8 district offices of the department and the certified domestic
9 violence centers for the development of partnerships in
10 working with families in which child abuse and domestic
11 violence exist.

12 Section 10. Subsection (8) is added to section 39.904,
13 Florida Statutes, to read:

14 39.904 Report to the Legislature on the status of
15 domestic violence cases.--On or before January 1 of each year,
16 the department shall furnish to the President of the Senate
17 and the Speaker of the House of Representatives a report on
18 the status of domestic violence in this state, which report
19 shall include, but is not limited to, the following:

20 (8) An identification of the certified domestic
21 violence centers and districts that have executed the
22 Interagency Working Agreement and a description of the
23 partnership initiatives implemented for working with families
24 in which child abuse and domestic violence exist.

25 Section 11. This act shall take effect July 1, 2001.
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SENATE SUMMARY

Requires the Department of Children and Family Services and the Florida Coalition Against Domestic Violence, contingent upon the appropriation of funds, to provide training on domestic violence and child protection to specified professionals by a specified date. Provides for the content of such training. Requires the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse. Requires collaboration with other groups and state agencies. Requires a report to the Governor and the Legislature.

Requires the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units. Specifies duties of the consultants. Specifies the qualifications and the minimum number of such consultants per county. Provides for their compensation. Requires the department to collect and analyze data on the effectiveness of the consultants. Requires a report to the Governor and the Legislature.

Provides guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists. Requires the department to form a work group concerned with the procedures for identifying perpetrators of child abuse. Requires a report to the Governor and the Legislature.

Provides for pilot programs of a Domestic Violence/Child Abuse Early Intervention Initiative. Provides eligibility guidelines for families who are to be served by the program. Provides components of the initiative. Provides eligibility standards for communities that may be sites for such initiatives. Requires entities that enter into an Interagency Working Agreement to provide joint direction and oversight and to collaborate with the local one-stop delivery system. Requires the department to contract with the Florida Coalition Against Domestic Violence for the administration of the initiative. Requires the coalition to collaborate with the Agency for Workforce Innovation. Requires a third-party evaluation of the initiative. Requires a preliminary and a final report to the Governor and the Legislature.

Requires batterer's intervention programs to provide to the court certain documents for the case file. Provides prerequisites to dissolving an injunction against a respondent in a domestic violence case. Requires the department to conduct an examination of current court processes for requiring domestic violence perpetrators to participate in the batterer's intervention program and of methods for requiring perpetrators who are not captured by the current court processes to participate in such a

1 program. Requires collaboration with specified agencies.
2 Requires a report to the Governor and the Legislature.
3 Requires the Department of Corrections to examine the
4 current mechanisms for monitoring participants'
5 completion of the batterer's intervention program.
6 Requires collaboration with specified agencies. Requires
7 a report to the Governor and the Legislature. Requires
8 collaboration and at least one joint meeting of various
9 work groups.

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