

By the Committee on Children and Families

300-1525-01

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

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

1 examination of the batterer's intervention
2 programs; specifying requirements of the study;
3 requiring consultation with key stakeholders;
4 providing for phase I and phase II reports to
5 the Legislature; amending s. 39.903, F.S.;
6 revising the duties of the department with
7 respect to domestic violence; amending s.
8 39.904, F.S.; amending the list of subject
9 matter to be included in the department's
10 annual report to the Legislature on the status
11 of domestic violence cases; providing an
12 appropriation for the child abuse training for
13 domestic violence center staff; providing an
14 appropriation for districtwide joint training
15 of domestic violence center and child
16 protection staff; providing appropriation for
17 Domestic Violence/Child Abuse Early
18 Intervention Initiative pilot projects;
19 providing an effective date.

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

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23 Section 1. (1) By June 30, 2002, the Department of
24 Children and Family Services shall fully implement the
25 department's domestic violence training by providing the
26 training to all existing protective investigators, protective
27 investigator supervisors, foster care counselors, adoption
28 counselors, and protective service counselors who have not yet
29 received the domestic violence training. All operations
30 program administrators in the department must have received
31 the domestic violence training by December 31, 2001.

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

18 (3) In fiscal year 2001-2002, the Department of
19 Children and Family Services, in conjunction with the Florida
20 Coalition Against Domestic Violence or the local certified
21 domestic violence center, shall conduct districtwide joint
22 training of domestic-violence-center staff and protective
23 investigator and protective investigator supervisor staff. The
24 purpose of the joint training is to build a common
25 understanding of the functions and perspectives of the child
26 protection and domestic violence systems and the joint role of
27 both systems in protecting both the child and the battered
28 parent. The Department of Children and Family Services shall
29 develop the training in collaboration with the Florida
30 Coalition Against Domestic Violence. The amount of funds
31 appropriated will determine the number of districts in which

1 the joint training is offered. Attendance at this joint
2 training fulfills the domestic violence center staff's
3 requirement for training concerning child abuse.

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

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

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

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

1 both the children and the battered parent, assisting with
2 safety planning, and linking the family to community
3 resources.

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

19 (3) The Department of Children and Family Services
20 shall collect and analyze data on the technical assistance
21 provided to investigations and the families for whom
22 consultation has been provided to determine the extent to
23 which the goal of the domestic violence consultants is being
24 achieved. At a minimum, the data collected must include
25 numbers and types of consultations provided, numbers and types
26 of families involved, utilization of consultants by the
27 protective investigative units, linkages with community
28 resources, and case information such as domestic violence
29 information ascertained, assessments conducted, safety
30 planning, and domestic violence service referrals. A report on
31 the outcome of this analysis of the impact of the domestic

1 violence consultants on the investigations and families shall
2 be submitted to the Governor, the President of the Senate, and
3 the Speaker of the House of Representatives by January 1,
4 2003, and shall be used to consider the use of domestic
5 violence consultants in additional counties.

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

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

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

22 (3) Referral for a domestic violence assessment of
23 need and services is to be made when any potential for
24 domestic violence exists.

25 Section 5. (1) The Department of Children and Family
26 Services shall form a work group to examine the process that
27 the Florida Abuse Hotline uses of identifying for the initial
28 abuse report the nonabusing parent as an alleged perpetrator
29 due to failure to protect when an abuser is also identified as
30 an alleged perpetrator. The purpose of this examination is to
31 assess: the value to the investigatory process of identifying

1 a parent as a perpetrator due to failure to protect at the
2 initiation of the report, and the implications of identifying
3 a nonabusing parent as the perpetrator for failure to protect
4 prior to examining the parent's actions.

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

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

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

1 (a) The family includes a parent with one or more
2 minor children or a caretaker relative with one or more minor
3 children.

4 (b) The family has been investigated for child abuse,
5 and domestic violence has been identified in the home, but
6 court-ordered protective services were determined to be
7 unnecessary.

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

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

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

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

19 (6) Receipt of services or a one-time payment under
20 this section does not preclude eligibility for or receipt of
21 other assistance or services under chapter 414, Florida
22 Statutes.

23 (7) The primary components of the Domestic
24 Violence/Child Abuse Early Intervention Initiative must
25 include: assessing how the domestic violence is interfering
26 with the adult victim's ability to protect the child,
27 assessing how domestic violence may be interfering with the
28 adult victim's ability to find and maintain employment,
29 providing the family with a caseworker to support and assist
30 them with those needs that would enable the adult victim to
31 provide herself and her children with a safe home and adequate

1 support for her children, and directing funds to specific
2 needs of the adult victim or child for which community
3 services are not available within the timeframe in which they
4 are needed. The functions of the caseworker may be expanded
5 based on a community's identification of the most effective
6 method for intervening with the targeted population to meet
7 the goal of the initiative. A minimum of \$300 for each family
8 projected to be served must be earmarked to address those
9 needs for which community services are unavailable.

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

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

29 (10) The Department of Children and Family Services
30 shall contract with the Florida Coalition Against Domestic
31 Violence for the administration of the Domestic Violence/Child

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

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

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

27 741.30 Domestic violence; injunction; powers and
28 duties of court and clerk; petition; notice and hearing;
29 temporary injunction; issuance of injunction; statewide
30 verification system; enforcement.--

31

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

4 1. Restraining the respondent from committing any acts
5 of domestic violence.

6 2. Awarding to the petitioner the exclusive use and
7 possession of the dwelling that the parties share or excluding
8 the respondent from the residence of the petitioner.

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

12 4. On the same basis as provided in chapter 61,
13 establishing temporary support for a minor child or children
14 or the petitioner.

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

1 discharge and the reason for discharge: completion of the
2 program, rejection of services, or termination from the
3 program.

4 6. Referring a petitioner to a certified domestic
5 violence center. The court must provide the petitioner with a
6 list of certified domestic violence centers in the circuit
7 which the petitioner may contact.

8 7. Ordering such other relief as the court deems
9 necessary for the protection of a victim of domestic violence,
10 including injunctions or directives to law enforcement
11 agencies, as provided in this section.

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

27 Section 8. (1) The Office of Program Policy Analysis
28 and Government Accountability (OPPAGA) shall conduct an
29 examination of the Batterer's Intervention Program. The study
30 shall examine: the current court processes for requiring
31 domestic violence perpetrators to participate in the

1 batterer's intervention program, the systems and processes in
2 place that lead to the utilization of the court processes for
3 requiring participation, the extent to which these systems and
4 court processes are capturing and requiring domestic violence
5 perpetrators identified through the child protection and
6 dependency court process to participate in the batterer's
7 intervention program, and identification of potential
8 strategies for increasing the identification of and
9 requirement for the domestic violence perpetrators to
10 participate in the batterer's intervention program; the
11 current mechanisms for monitoring participants' completion of
12 the batterer's intervention program, the extent to which these
13 mechanisms are ensuring that the participants complete the
14 program, and identification of potential strategies for
15 improving the monitoring and the system for ensuring
16 completion of the program; and available data on the
17 effectiveness of the batterer's intervention program in both
18 achieving the purposes delineated in section 741.32, Florida
19 Statutes, and in changing the violent behavior of the
20 participants.

21 (2) In conducting the examination, OPPAGA shall
22 consult with the key stakeholders in the system, to include
23 but not be limited to the Department of Children and Family
24 Services, the Department of Corrections' Batterer's
25 Intervention Program, the Family Law Section of the Florida
26 Bar, the Florida Coalition Against Domestic Violence, and the
27 Office of State Courts Administrator.

28 (3) OPPAGA shall prepare and submit a phase I report
29 by December 31, 2001, to the President of the Senate and the
30 Speaker of the House of Representatives. The report must
31 contain the findings of the examinations and any

1 recommendations for improvements. If it is determined that key
2 recommendations require continued examination or
3 implementation of provisions of this legislation should be
4 studied as it relates to the examination, a phase II report
5 will be prepared and submitted by December 31, 2002.

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

8 39.903 Duties and functions of the department with
9 respect to domestic violence.--

10 (1) The department shall:

11 (g) Promote and facilitate, but not mandate, the
12 negotiation and execution of the Interagency Working Agreement
13 between the district offices of the department and the
14 certified domestic violence centers for the development of
15 partnerships in working with families in which child abuse and
16 domestic violence exist.

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

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

25 (8) An identification of the certified domestic
26 violence centers and districts that have executed the
27 Interagency Working Agreement and a description of the
28 partnership initiatives implemented for working with families
29 in which child abuse and domestic violence exist.

30 Section 11. (1) The sum of \$52,580 is appropriated
31 from nonrecurring federal grants trust fund to the Department

1 of Children and Family Services to cover the training costs to
2 provide child abuse training to domestic violence center
3 staff, as specified in subsection (2) of section 1 of this
4 act. The source of these funds is the Temporary Assistance
5 for Needy Families Block Grant. The Department of Children and
6 Family Services shall contract with the Florida Coalition
7 Against Domestic Violence to provide the training. This
8 training will improve family stability and the safety of
9 children, enabling them to remain in the home or with family
10 members to the fullest extent possible.

11 (2) The sum of \$121,651 is appropriated from
12 nonrecurring federal grants trust fund to the Department of
13 Children and Family Services to cover the costs of district
14 wide joint training of domestic violence center staff and
15 child protection staff, as specified in subsection (3) of
16 section 1 of this act. The source of these funds is the
17 Temporary Assistance for Needy Families Block Grant. This
18 training will improve family stability and the safety of
19 children enabling them to remain in the home or with family
20 members to the fullest extent possible.

21 (3) The sum of \$465,000 is appropriated from recurring
22 federal grants trust fund to the Department of Children and
23 Family Services to conduct two Domestic Violence/Child Abuse
24 Early Intervention Initiative pilot projects, as specified in
25 section 6 of this act. The source of these funds is the
26 Temporary Assistance for Needy Families Block Grant. These
27 pilot projects will improve family stability and the safety of
28 children enabling them to remain in the home or with family
29 members to the fullest extent possible.

30 Section 12. This act shall take effect July 1, 2001.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 858

Modifies the required completion date for providing domestic violence training to child protection staff and management from December 31, 2001 to June 30, 2002.

Stipulates that the Office of Program Policy Analysis and Government Accountability will conduct the examination of the batterer's intervention program instead of the Department of Children and Family Services, Family Law Section of the Florida Bar and Department Corrections. The effectiveness of the batterer's intervention program is added to the scope of the examination, as well as the potential for a phase II report.

Clarifies that the Department of Children and Family Services cannot mandate the execution of the Interagency Working Agreements.

Provides for the appropriation of funds for the child abuse training to domestic violence center staff, the district wide joint training of domestic violence center and child protection staff, and the conducting of two Domestic Violence/ Child Abuse Intervention Initiative pilot programs.

Clarifies that the district wide joint training is a one-time training and removes the stipulation that the training will be provided contingent upon appropriation.