

By the Committees on Appropriations; and Children and Families

309-1647-01

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 content of
7 training; requiring the department to assess
8 the need for special training of staff members
9 and professionals who interact with families in
10 which there is domestic violence and child
11 abuse; requiring collaboration with other
12 groups and state agencies; requiring a report
13 to the Governor and the Legislature; requiring
14 the department to conduct pilot programs in
15 which department staff perform the role of
16 domestic violence consultants participating in
17 protective investigative units; specifying
18 duties of the consultants; specifying
19 qualifications and minimum numbers of such
20 consultants per county; providing for
21 compensation; requiring the department to
22 collect and analyze data on the effectiveness
23 of the domestic violence consultants; requiring
24 a report to the Governor and the Legislature;
25 providing guidelines for administrative rules
26 or operating procedures relating to protective
27 investigations of families in which domestic
28 violence exists; requiring the department to
29 form a work group concerned with the procedures
30 for identifying perpetrators of child abuse;
31 requiring a report to the Governor and the

1 Legislature; amending s. 741.30, F.S.;
2 requiring batterer's intervention programs to
3 provide to the court certain documents for the
4 case file; providing prerequisites to
5 dissolving an injunction against a respondent
6 in a domestic violence case; requiring the
7 Office Of Program Policy Analysis and
8 Government Accountability to conduct an
9 examination of the batterer's intervention
10 programs; specifying requirements of the study;
11 requiring consultation with key stakeholders;
12 providing for phase I and phase II reports to
13 the Legislature; amending s. 39.903, F.S.;
14 revising the duties of the department with
15 respect to domestic violence; amending s.
16 39.904, F.S.; amending the list of subject
17 matter to be included in the department's
18 annual report to the Legislature on the status
19 of domestic violence cases; providing an
20 appropriation for districtwide joint training
21 of domestic violence center and child
22 protection staff; providing an effective date.

23

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

25

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

1 received the domestic violence training. All operations
2 program administrators in the department must have received
3 the domestic violence training by December 31, 2001.

4 (2) In fiscal year 2001-2002, the Department of
5 Children and Family Services, in conjunction with the Florida
6 Coalition Against Domestic Violence or the local certified
7 domestic violence center, shall conduct districtwide joint
8 training of domestic-violence-center staff and protective
9 investigator and protective investigator supervisor staff. The
10 purpose of the joint training is to build a common
11 understanding of the functions and perspectives of the child
12 protection and domestic violence systems and the joint role of
13 both systems in protecting both the child and the battered
14 parent. The Department of Children and Family Services shall
15 develop the training in collaboration with the Florida
16 Coalition Against Domestic Violence. The amount of funds
17 appropriated will determine the number of districts in which
18 the joint training is offered. Attendance at this joint
19 training fulfills the domestic violence center staff's
20 requirement for training concerning child abuse.

21 (3) The Department of Children and Family Services
22 shall incorporate into its training concerning the initial
23 child safety assessment, instruction on the injunction process
24 provided in section 39.504, Florida Statutes, as it relates to
25 families in which domestic violence exists and assessment of
26 when this injunction process would and would not offer
27 protection for the child and for the nonabusing parent. The
28 instruction must address the need to use this injunction
29 process only with the consent of the nonabusing parent and in
30 conjunction with a safety plan for the child and for the
31 nonabusing parent.

1 Section 2. The Department of Children and Family
2 Services shall examine the staff positions and professions
3 that interact with families in which there is domestic
4 violence and which are involved in child abuse reporting,
5 protective investigations, or judicial proceedings described
6 in chapter 39, Florida Statutes, and shall identify those who
7 should receive training on the dynamics of domestic violence,
8 the impact of domestic violence on battered parents and
9 children, and the implications of domestic violence for the
10 child protection system. Based on the findings from this
11 examination, the Department of Children and Family Services
12 shall develop recommendations for implementing domestic
13 violence training for each of the identified staff and
14 professions, including, for each staff position and
15 profession, whether existing domestic violence training
16 exists, particular requirements relative to the position or
17 profession which must be met, and the cost of providing the
18 training. At a minimum, staff positions and professions that
19 must be considered include child protection teams, child
20 welfare legal services, Department of Children and Family
21 Services' district attorneys, guardians ad litem, and hotline
22 staff. This examination and development of recommendations
23 must be conducted in collaboration with the Florida Coalition
24 Against Domestic Violence, the Department of Health, the
25 Family Law Section of The Florida Bar, and any other
26 interested organizations identified by the Department of
27 Children and Family Services. All participants in the
28 examination and development of recommendations must attend
29 meetings at their own expense. A report of the recommendations
30 and projections of costs associated with the recommendations
31 must be submitted to the Governor, the President of the

1 Senate, and the Speaker of the House of Representatives by
2 January 1, 2002.

3 Section 3. (1) The Department of Children and Family
4 Services shall conduct a pilot program concerning the use of
5 domestic violence consultants in the protective investigative
6 units in at least three counties. The domestic violence
7 consultants shall provide case consultation and technical
8 assistance with respect to the protective investigations and
9 the determination of interventions if there is domestic
10 violence in the families, with the goal of educating and
11 supporting the protective investigative staff in identifying
12 and assembling the most-effective interventions possible for
13 the children and adult victims. These domestic violence
14 consultants shall serve as a liaison among the department,
15 domestic violence centers, and other community agencies. The
16 domestic violence consultants may also assist in identifying
17 domestic violence, assessing the risk of domestic violence to
18 both the children and the battered parent, assisting with
19 safety planning, and linking the family to community
20 resources.

21 (2) The equivalent of one domestic violence consultant
22 must be allotted for each protective investigative unit for
23 each county. The domestic violence consultants must be
24 existing protective investigators or protective investigator
25 supervisors who have received the department's domestic
26 violence training and additional instruction from their local
27 domestic violence center. A higher level of compensation,
28 commensurate with that of the mentors in the department's
29 Child Protection Certification Program, will be paid to the
30 domestic violence consultants for their added
31 responsibilities. Counties in which the department and the

1 certified domestic violence centers have entered into the
2 Interagency Working Agreement are the only counties in which
3 the pilot program on the use of domestic violence consultants
4 may be conducted.

5 (3) The Department of Children and Family Services
6 shall collect and analyze data on the technical assistance
7 provided to investigations and the families for whom
8 consultation has been provided to determine the extent to
9 which the goal of the domestic violence consultants is being
10 achieved. At a minimum, the data collected must include
11 numbers and types of consultations provided, numbers and types
12 of families involved, utilization of consultants by the
13 protective investigative units, linkages with community
14 resources, and case information such as domestic violence
15 information ascertained, assessments conducted, safety
16 planning, and domestic violence service referrals. A report on
17 the outcome of this analysis of the impact of the domestic
18 violence consultants on the investigations and families shall
19 be submitted to the Governor, the President of the Senate, and
20 the Speaker of the House of Representatives by January 1,
21 2003, and shall be used to consider the use of domestic
22 violence consultants in additional counties.

23 Section 4. The Department of Children and Family
24 Services shall incorporate into administrative rule or
25 operating procedures the following directions to the
26 protective investigation process relative to families in which
27 domestic violence exists:

28 (1) In determining the parent's ability or failure to
29 protect the child or whether the protection of the child can
30 or cannot be assured in cases of domestic violence, the parent
31 should be considered to be unable to protect or to have failed

1 to protect the child only after the investigator has explored
2 all of the circumstances surrounding the abuse, including the
3 battered parent's attempts to seek help.

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

8 (3) Referral for a domestic violence assessment of
9 need and services is to be made when any potential for
10 domestic violence exists.

11 Section 5. (1) The Department of Children and Family
12 Services shall form a work group to examine the process that
13 the Florida Abuse Hotline uses of identifying for the initial
14 abuse report the nonabusing parent as an alleged perpetrator
15 due to failure to protect when an abuser is also identified as
16 an alleged perpetrator. The purpose of this examination is to
17 assess: the value to the investigatory process of identifying
18 a parent as a perpetrator due to failure to protect at the
19 initiation of the report, and the implications of identifying
20 a nonabusing parent as the perpetrator for failure to protect
21 prior to examining the parent's actions.

22 (2) The work group shall consist of representatives of
23 the Department of Children and Family Services, the Florida
24 Coalition Against Domestic Violence, and any other interested
25 organizations identified by the Department of Children and
26 Family Services. All participants in the work group must
27 attend meetings at their own expense. Based on the findings
28 from this examination, the work group shall develop
29 recommendations for any modifications that it determines are
30 needed to the Florida Abuse Hotline process relative to
31 identifying the alleged perpetrator. A report of the findings

1 from the examination, the recommendations, and the
2 department's response regarding implementing 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 Section 6. Paragraphs (a) and (b) of subsection (6) of
7 section 741.30, Florida Statutes, are amended to read:

8 741.30 Domestic violence; injunction; powers and
9 duties of court and clerk; petition; notice and hearing;
10 temporary injunction; issuance of injunction; statewide
11 verification system; enforcement.--

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

15 1. Restraining the respondent from committing any acts
16 of domestic violence.

17 2. Awarding to the petitioner the exclusive use and
18 possession of the dwelling that the parties share or excluding
19 the respondent from the residence of the petitioner.

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

23 4. On the same basis as provided in chapter 61,
24 establishing temporary support for a minor child or children
25 or the petitioner.

26 5. Ordering the respondent to participate in
27 treatment, intervention, or counseling services to be paid for
28 by the respondent. When the court orders the respondent to
29 participate in a batterers' intervention program, the court,
30 or any entity designated by the court, must provide the
31 respondent with a list of all certified batterers'

1 intervention programs and all programs which have submitted an
2 application to the Department of Corrections to become
3 certified under s. 741.325, from which the respondent must
4 choose a program in which to participate. If there are no
5 certified batterers' intervention programs in the circuit, the
6 court shall provide a list of acceptable programs from which
7 the respondent must choose a program in which to participate.
8 A batterer's intervention program shall provide to the court a
9 notification of the respondent's enrollment and discharge from
10 the program to be placed in the case file. The notification of
11 discharge must specify one of the following categories for
12 discharge and the reason for discharge: completion of the
13 program, rejection of services, or termination from the
14 program.

15 6. Referring a petitioner to a certified domestic
16 violence center. The court must provide the petitioner with a
17 list of certified domestic violence centers in the circuit
18 which the petitioner may contact.

19 7. Ordering such other relief as the court deems
20 necessary for the protection of a victim of domestic violence,
21 including injunctions or directives to law enforcement
22 agencies, as provided in this section.

23 (b) The terms of an injunction restraining the
24 respondent under subparagraph (a)1. or ordering other relief
25 for the protection of the victim under subparagraph (a)7.
26 shall remain in effect until modified or dissolved. Either
27 party may move at any time to modify or dissolve the
28 injunction. No specific allegations are required. Such relief
29 may be granted in addition to other civil or criminal
30 remedies. A respondent who requests to dissolve an injunction
31 must have completed a batterer's intervention program if

1 ordered to do so as a condition of his or her injunction,
2 unless the court finds that there is substantial justification
3 for the respondent's failure to complete the program. The
4 court shall not grant the respondent's request to dissolve the
5 injunction unless there is substantial justification for the
6 respondent's failure to complete the program.

7 Section 7. (1) The Office of Program Policy Analysis
8 and Government Accountability (OPPAGA) shall conduct an
9 examination of the Batterer's Intervention Program. The study
10 shall examine: the current court processes for requiring
11 domestic violence perpetrators to participate in the
12 batterer's intervention program, the systems and processes in
13 place that lead to the utilization of the court processes for
14 requiring participation, the extent to which these systems and
15 court processes are capturing and requiring domestic violence
16 perpetrators identified through the child protection and
17 dependency court process to participate in the batterer's
18 intervention program, and identification of potential
19 strategies for increasing the identification of and
20 requirement for the domestic violence perpetrators to
21 participate in the batterer's intervention program; the
22 current mechanisms for monitoring participants' completion of
23 the batterer's intervention program, the extent to which these
24 mechanisms are ensuring that the participants complete the
25 program, and identification of potential strategies for
26 improving the monitoring and the system for ensuring
27 completion of the program; and available data on the
28 effectiveness of the batterer's intervention program in both
29 achieving the purposes delineated in section 741.32, Florida
30 Statutes, and in changing the violent behavior of the
31 participants.

1 (2) In conducting the examination, OPPAGA shall
2 consult with the key stakeholders in the system, to include
3 but not be limited to the Department of Children and Family
4 Services, the Department of Corrections' Batterer's
5 Intervention Program, the Family Law Section of the Florida
6 Bar, the Florida Coalition Against Domestic Violence, and the
7 Office of State Courts Administrator.

8 (3) OPPAGA shall prepare and submit a phase I report
9 by December 31, 2001, to the President of the Senate and the
10 Speaker of the House of Representatives. The report must
11 contain the findings of the examinations and any
12 recommendations for improvements. If it is determined that key
13 recommendations require continued examination or
14 implementation of provisions of this legislation should be
15 studied as it relates to the examination, a phase II report
16 will be prepared and submitted by December 31, 2002.

17 Section 8. Paragraph (g) is added to subsection (1) of
18 section 39.903, Florida Statutes, to read:

19 39.903 Duties and functions of the department with
20 respect to domestic violence.--

21 (1) The department shall:

22 (g) Promote and facilitate, but not mandate, the
23 negotiation and execution of the Interagency Working Agreement
24 between the district offices of the department and the
25 certified domestic violence centers for the development of
26 partnerships in working with families in which child abuse and
27 domestic violence exist.

28 Section 9. Subsection (8) is added to section 39.904,
29 Florida Statutes, to read:

30 39.904 Report to the Legislature on the status of
31 domestic violence cases.--On or before January 1 of each year,

1 the department shall furnish to the President of the Senate
2 and the Speaker of the House of Representatives a report on
3 the status of domestic violence in this state, which report
4 shall include, but is not limited to, the following:

5 (8) An identification of the certified domestic
6 violence centers and districts that have executed the
7 Interagency Working Agreement and a description of the
8 partnership initiatives implemented for working with families
9 in which child abuse and domestic violence exist.

10 Section 10. The sum of \$121,651 is appropriated from
11 nonrecurring federal grants trust fund to the Department of
12 Children and Family Services to cover the costs of district
13 wide joint training of domestic violence center staff and
14 child protection staff, as specified in subsection (2) of
15 section 1 of this act. The source of these funds is the
16 Temporary Assistance for Needy Families Block Grant. This
17 training will improve family stability and the safety of
18 children enabling them to remain in the home or with family
19 members to the fullest extent possible.

20 Section 11. This act shall take effect July 1, 2001.

21
22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 CS/SB 858

25 Removes the requirement for all personnel of domestic violence
26 centers to receive a minimum of 8 hours of training concerning
child abuse and the related appropriation.

27 Removes the pilot program on Domestic Violence/Child Abuse
28 Early Intervention Initiative and the related appropriation.

29
30
31