

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; amending s. 273.05,
20 F.S.; providing for disposition of surplus
21 cellular telephones to certain nonprofit
22 agencies; providing an appropriation for
23 districtwide joint training of domestic
24 violence center and child protection staff;
25 providing an effective date.

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

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29 Section 1. (1) By June 30, 2002, the Department of
30 Children and Family Services shall fully implement the
31 department's domestic violence training by providing the

1 training to all existing protective investigators, protective
2 investigator supervisors, foster care counselors, adoption
3 counselors, and protective service counselors who have not yet
4 received the domestic violence training. All operations
5 program administrators in the department must have received
6 the domestic violence training by December 31, 2001.

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

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

1 process only with the consent of the nonabusing parent and in
2 conjunction with a safety plan for the child and for the
3 nonabusing parent.

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

1 meetings at their own expense. A report of the recommendations
2 and projections of costs associated with the recommendations
3 must be submitted to the Governor, the President of the
4 Senate, and the Speaker of the House of Representatives by
5 January 1, 2002.

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

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

1 Child Protection Certification Program, will be paid to the
2 domestic violence consultants for their added
3 responsibilities. Counties in which the department and the
4 certified domestic violence centers have entered into the
5 Interagency Working Agreement are the only counties in which
6 the pilot program on the use of domestic violence consultants
7 may be conducted.

8 (3) The Department of Children and Family Services
9 shall collect and analyze data on the technical assistance
10 provided to investigations and the families for whom
11 consultation has been provided to determine the extent to
12 which the goal of the domestic violence consultants is being
13 achieved. At a minimum, the data collected must include
14 numbers and types of consultations provided, numbers and types
15 of families involved, utilization of consultants by the
16 protective investigative units, linkages with community
17 resources, and case information such as domestic violence
18 information ascertained, assessments conducted, safety
19 planning, and domestic violence service referrals. A report on
20 the outcome of this analysis of the impact of the domestic
21 violence consultants on the investigations and families shall
22 be submitted to the Governor, the President of the Senate, and
23 the Speaker of the House of Representatives by January 1,
24 2003, and shall be used to consider the use of domestic
25 violence consultants in additional counties.

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

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1 (1) In determining the parent's ability or failure to
2 protect the child or whether the protection of the child can
3 or cannot be assured in cases of domestic violence, the parent
4 should be considered to be unable to protect or to have failed
5 to protect the child only after the investigator has explored
6 all of the circumstances surrounding the abuse, including the
7 battered parent's attempts to seek help.

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

12 (3) Referral for a domestic violence assessment of
13 need and services is to be made when any potential for
14 domestic violence exists.

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

26 (2) The work group shall consist of representatives of
27 the Department of Children and Family Services, the Florida
28 Coalition Against Domestic Violence, and any other interested
29 organizations identified by the Department of Children and
30 Family Services. All participants in the work group must
31 attend meetings at their own expense. Based on the findings

1 from this examination, the work group shall develop
2 recommendations for any modifications that it determines are
3 needed to the Florida Abuse Hotline process relative to
4 identifying the alleged perpetrator. A report of the findings
5 from the examination, the recommendations, and the
6 department's response regarding implementing the
7 recommendations shall be submitted to the Governor, the
8 President of the Senate, and the Speaker of the House of
9 Representatives by January 1, 2002.

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

12 741.30 Domestic violence; injunction; powers and
13 duties of court and clerk; petition; notice and hearing;
14 temporary injunction; issuance of injunction; statewide
15 verification system; enforcement.--

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

19 1. Restraining the respondent from committing any acts
20 of domestic violence.

21 2. Awarding to the petitioner the exclusive use and
22 possession of the dwelling that the parties share or excluding
23 the respondent from the residence of the petitioner.

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

27 4. On the same basis as provided in chapter 61,
28 establishing temporary support for a minor child or children
29 or the petitioner.

30 5. Ordering the respondent to participate in
31 treatment, intervention, or counseling services to be paid for

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

19 6. Referring a petitioner to a certified domestic
20 violence center. The court must provide the petitioner with a
21 list of certified domestic violence centers in the circuit
22 which the petitioner may contact.

23 7. Ordering such other relief as the court deems
24 necessary for the protection of a victim of domestic violence,
25 including injunctions or directives to law enforcement
26 agencies, as provided in this section.

27 (b) The terms of an injunction restraining the
28 respondent under subparagraph (a)1. or ordering other relief
29 for the protection of the victim under subparagraph (a)7.
30 shall remain in effect until modified or dissolved. Either
31 party may move at any time to modify or dissolve the

1 injunction. No specific allegations are required. Such relief
2 may be granted in addition to other civil or criminal
3 remedies. A respondent who requests to dissolve an injunction
4 must have completed a batterer's intervention program if
5 ordered to do so as a condition of his or her injunction,
6 unless the court finds that there is substantial justification
7 for the respondent's failure to complete the program. The
8 court shall not grant the respondent's request to dissolve the
9 injunction unless there is substantial justification for the
10 respondent's failure to complete the program.

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

1 effectiveness of the batterer's intervention program in both
2 achieving the purposes delineated in section 741.32, Florida
3 Statutes, and in changing the violent behavior of the
4 participants.

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

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

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

23 39.903 Duties and functions of the department with
24 respect to domestic violence.--

25 (1) The department shall:

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

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

3 39.904 Report to the Legislature on the status of
4 domestic violence cases.--On or before January 1 of each year,
5 the department shall furnish to the President of the Senate
6 and the Speaker of the House of Representatives a report on
7 the status of domestic violence in this state, which report
8 shall include, but is not limited to, the following:

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

14 Section 10. Subsection (6) is added to section 273.05,
15 Florida Statutes, to read:

16 273.05 Surplus property.--

17 (6) Cellular telephones that are classified as surplus
18 shall be donated to any not-for-profit agency that serves the
19 disabled community, the elderly, or victims of domestic
20 violence so that such telephones can be made available to
21 persons in one or more of those categories for the purpose of
22 making emergency "911" calls.

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

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