

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children, Families, and Elder Affairs Committee

BILL: SB 20

INTRODUCER: Senator Lynn

SUBJECT: Supervised Visitation Programs

DATE: January 25, 2007

REVISED: 02/07/07

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Goltry	Jameson	CF	Fav/1 amendment
2.			JU	
3.			HA	
4.				
5.				
6.				

## Please see last section for Summary of Amendments

Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

### I. Summary:

This bill repeals the sections contained in Chapter 753, F.S., regarding the Family Visitation Network. It replaces these repealed sections with new sections that set forth elements for providing safety and quality services in supervised visitation programs, including the development of standards for certification and monitoring, development and provision of training, and collection of data on services provided, to be implemented to the extent that funding permits. Supervised visitation programs are required by the bill to meet guidelines adopted by the courts.

The fee for the issuance of a certification of a birth record is increased by \$1.00 to provide funds to enhance security at the supervised visitation programs. The bill also provides new mechanisms for facilitating volunteerism of law enforcement officers at supervised visitation programs through various incentives. The community-based programs are “responsible” for the acts or omissions of the volunteer law enforcement officer, however, for purposes of workers’ compensation, law enforcement officer volunteers are considered as acting within the course of employment.

This bill repeals sections 753.001, 753.002, and 753.004, of the Florida Statutes and creates sections 753.01, 753.02, 753.03, 753.04, 753.05, 753.06, 753.07, 753.08, 753.09, 753.10, and

943.254, of the Florida Statutes. The bill also substantially amends sections 382.0255 and 943.135, of the Florida Statutes.

## II. Present Situation:

### *Family Courts and Safety*

For many families before the court in cases of divorce, custody, domestic violence injunctions, or child abuse, there is a known or alleged risk of physical or sexual abuse to the child or even a risk of abduction. Supervised visitation provides the courts and families with an option to continue the parent-child contact while minimizing the risk of further abuse to the child or to the spouse or other family member when domestic violence is involved.

A supervised visitation program provides the opportunity for contact between a non-custodial parent and a child in the presence of a third party responsible for observing and ensuring the safety of those involved (s. 753.001(1), F.S.). Supervised exchange services may also be offered which monitor the exchange of a child from one parent to the other at the beginning and end of the visitation period. Supervised visitation programs provide the facilities, resources, and administrative services required to offer a safe and structured setting for supervised visitation and exchange. A court order usually dictates the requirements for the visit or exchange supervision.

### *The Family Visitation Network*

In 1996, the Legislature created ch. 753, F.S., the Family Visitation Network (ch. 96-402, L.O.F.). This chapter, created as supervised visitation programs were evolving, provided a definition for “supervised visitation program,” created the Florida Family Visitation Network to provide formal communication among existing and emerging programs, and provided a linkage to other resources for new community supervised visitation programs. Since 1997, the number of supervised visitation programs in Florida has grown from 15 to 62 programs, the most programs of any state.<sup>1</sup> These supervised visitation programs obtain funding to support their services from a variety of sources, including Access and Visitation Grants from the Department of Children and Families (DCF, or the department), client fees, county funding, and funding from the Safe and Stable Families Act through DCF.<sup>2</sup>

### *Supervised Visitation and Sources for Support*

With the steady increase in the number and use of supervised visitation programs, there is a growing need for assurances that programs will provide for a safe contact between the non-custodial parent and the child. The Clearinghouse notes two primary areas of concern regarding administration of supervised visitation programs: funding and standards. In 1999, the Chief Justice of the Supreme Court adopted minimum guidelines for supervised visitation programs that are used by the court. According to data compiled by the Clearinghouse, it is questionable as to whether programs are complying in a meaningful way with the standards. Indicators of insufficient funding include heavy reliance on unpaid staff, need to delay services, and lack of security personnel.<sup>3</sup>

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<sup>1</sup> Crook, W., Oehme, K., O'Rourke, K., Slawinski, T., *Florida's Supervised Visitation Programs: a Report from the Clearinghouse on Supervised Visitation*, January 2007, p.12.

<sup>2</sup> Ibid, page 7.

<sup>3</sup> Ibid, page 8.

Section 382.0255, F.S., sets forth fees or fee ranges to be charged for various forms of birth and death certificates. Specific fees to be charged are to be established in rule and, currently, the state office of the Department of Health charges \$9.00 for a certification of a birth record. While most of the fees charged are retained by the Department of Health or the county health department, s. 382.0255, F.S., provides for portions of these fees to be used for other purposes. Specifically, s. 382.0255(1)(i), F.S., provides that fees in excess of the expenses of the \$25.00 for the commemorative certificate of birth or marriage be used by the Regional Perinatal Intensive Care Center Program to prevent child abuse and neglect, and for the Improved Pregnancy Outcome Program. Section 382.0255(2), F.S., requires that \$1.50 of the fee charged for each request for a certification of the birth record be transferred to the Child Welfare Training Trust Fund.

### **III. Effect of Proposed Changes:**

This bill repeals language providing for the Family Visitation Network. It replaces the Network with new authority that sets forth elements providing for safety and quality services in supervised visitation programs, including the development of standards for certification and monitoring, development and provision of training, and collection of data on services provided, to be implemented to the extent that funding permits.

The bill requires comprehensive standards to be developed to provide a uniform set of guidelines that will be used by supervised visitation programs and form the basis for certification of such programs. A process for certifying and monitoring compliance of supervised visitation programs with the comprehensive standards is to be phased in based on availability of funds. Certification, once fully implemented, will be required for receipt of both state or federal funds and referrals from the court. Prior to the development of comprehensive standards and implementation of a certification process, the bill requires that supervised visitation programs meet the minimum standards adopted by the courts and prohibits a supervised visitation program from receiving federal access and visitation grant funds unless documentation is provided that the program has entered into agreement as required by the court. The bill encourages supervised visitation programs to develop community partnerships to strengthen the services provided.

The bill creates the Clearinghouse on Supervised Visitation at the Institute for Family Violence at Florida State University. The clearinghouse is charged with developing materials and offering training for supervised visitation programs and fully implementing and maintaining a mechanism for collecting data on supervised visitation services, to the extent the available funding permits. The Institute will develop all aspects of the certification process for supervised visitation programs and will implement the advisory board required by the bill. A preliminary report must be submitted to the Legislature and the Chief Justice of the Supreme Court by December 31, 2007, and a final report is to be submitted by December 31, 2008.

The bill requires that the Criminal Justice Standards and Training Commission permit law enforcement agencies to allow officers to meet up to three hours of the 40 hours of required continuing education or training by volunteering at a community-based, not-for-profit organization that serves children and families who have experienced or are at risk for child abuse or domestic violence, including supervised visitation programs. Section 943.254, F.S., is created to authorize law enforcement agencies to administer volunteer security services for officers

during off-duty hours at these programs where there is a potential danger to staff or clients. The bill provides that the community-based programs are responsible for the acts or omissions of the law enforcement officer. However, for purposes of workers' compensation, law enforcement officer volunteers are considered as acting within the course of their employment. Law enforcement officers volunteering pursuant to this section are exempt from licensing requirements for security and investigating services in ch. 493, F.S.

The fee for the issuance of a certification of a birth record is increased by \$1.00 and the funds collected are to be transferred to the Department of Children and Families on a yearly basis and distributed to assist supervised visitation programs in meeting the security standards to be developed pursuant to this bill. The availability and use of the funds are reiterated in ch. 753, F.S., along with a requirement that the clearinghouse recommend criteria for the provision of the funds.

The bill provides for an effective date of July 1, 2007.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

The bill imposes an additional \$1.00 fee for a certification of each birth record issued through the Department of Health.

B. Private Sector Impact:

While the Supreme Court requires supervised visitation programs to meet the minimum standards adopted by the court, not all supervised visitation programs have entered into agreements to meet these standards. This bill reinforces the court's directive s, strengthens the requirement for programs to meet these standards.

The Clearinghouse on Supervised Visitation at Florida State University has agreed to convene the advisory committee and develop the requested recommendations within their existing revenues.

The fee increase on the certification of the birth record provided for by this bill will increase the costs persons will be required to pay by \$1.00 when requesting a certification.

**C. Government Sector Impact:**

The Department of Children and Families currently contracts with the FSU Board of Trustees to provide support services and technical assistance for supervised visitation programs throughout Florida. The contract is for 3 years for a total of \$450,927. The department reports no additional fiscal impact is anticipated as a result of this bill .

According to the Office of Vital Statistics in the Department of Health there were 226,219 live births in Florida in 2005. The Department of Health has not provided additional information on the fiscal impact that the collection of the additional \$1.00 on the certification of the birth record and the distribution of funds to supervised visitation programs may have on that agency.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

### **Barcode 945168 by Children, Families, and Elder Affairs:**

Changes a reference from “section” to “subsection” to clarify that only the additional fee imposed by this bill is to be used to fund supervised visitation programs.

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This Senate staff analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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