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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2010	.	
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The Committee on Children, Families, and Elder Affairs (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 753.06, Florida Statutes, is created to read:

753.06 Standards.-

(1) The standards announced in the final report submitted to the Legislature pursuant to s. 753.03(4) shall be the basis for the state's standards for supervised visitation and exchange monitoring programs, and may be modified only by the advisory board created under s. 753.03(2) after reasonable notice to the



956310

13 programs, but not more often than annually. The clearinghouse
14 shall publish the standards, as modified, on its website. The
15 published standards shall be regarded as the state standards for
16 supervised visitation and exchange monitoring programs.

17 (2) Each supervised visitation and exchange monitoring
18 program must affirm annually in a written agreement with the
19 court that they abide by the standards. If the program has a
20 contract with a child-placing agency, that contract must include
21 an affirmation that the program complies with the standards. A
22 copy of the agreement or contract must be made available to any
23 party upon request.

24 Section 2. Section 753.07, Florida Statutes, is created to
25 read:

26 753.07 Referrals.-

27 (1) Courts and referring child-placing agencies must adhere
28 to the following priorities when determining where to refer
29 cases for supervised visitation or exchange monitoring:

30 (a) For cases that are filed under chapter 61 or chapter
31 741 where the courts are the primary source of referrals, the
32 court shall direct referrals for supervised visitation or
33 exchange monitoring as follows:

34 1. The order shall refer the parties to a supervised
35 visitation or exchange monitoring program that has a written
36 agreement with the court as provided in s. 753.06(2) if such a
37 program exists in the community.

38 2. If a program does not exist, or if the existing program
39 is not able to accept the referral for any reason, the court may
40 refer the case to a local mental health professional. Such
41 professionals are not required to abide by the state standards



956310

42 established in s. 753.06(1); however, such professionals must
43 affirm to the court in writing that they have completed the
44 clearinghouse's free, online supervised visitation training
45 program and have read and understood the state standards.

46 (b) In cases governed by chapter 39, the referring child-
47 placing agency must adhere to the following:

48 1. The agency having primary responsibility for the case
49 must ensure that each family is assessed for problems that could
50 present safety risks during parent-child contact. If risks are
51 present, agency staff shall consider referring the parties to a
52 local supervised visitation program that has affirmed in writing
53 that it adheres to the state standards if such a program exists
54 in the community.

55 2. If agency staff determine that there is no need for a
56 supervised visitation program, no such program exists, or the
57 existing program is unable to accept the referral for any
58 reason, the child protective investigator or case manager having
59 primary responsibility for the case may:

60 a. Supervise the parent-child contact him or herself.
61 However, before a child protective investigator or case manager
62 may supervise visits, he or she must review or receive training
63 on the online training manual for the state's supervised
64 visitation programs and affirm in writing to his or her own
65 agency that he or she has received training on, or read and
66 understands, the state standards.

67 b. Designate a foster parent or relative to supervise the
68 parent-child visits in those cases that do not warrant the
69 supervision of the child protective investigator or case
70 manager. However, the designated foster parent or relative must



956310

71 first be apprised that the case manager conducted a safety
72 assessment described in subparagraph 1., and must be provided
73 access to free training material on the foster parent's or
74 relative's role in supervised visitation. Such materials may be
75 created by the clearinghouse using existing or new material, and
76 must be approved by the department. Such training may be
77 included in any preservice foster parent training done by the
78 agency.

79 3. If a program does not exist, or if the existing program
80 is unable to accept the referral and the child protective
81 investigator or case manager is unable to supervise the parent-
82 child contact or designate a foster parent or relative to
83 supervise the visits as described in subparagraph 2., the agency
84 having primary responsibility for the case may refer the case to
85 other qualified staff within that agency to supervise the
86 contact. However, before such staff may supervise any visits, he
87 or she must review or receive training on the online training
88 manual for supervised visitation programs and affirm in writing
89 to his or her own agency that he or she has received training
90 on, or has read and understands, the training manual and the
91 state standards.

92 4. The agency that has primary responsibility for the case
93 may not refer the case to a subcontractor or other agency to
94 perform the supervised visitation unless that subcontractor's or
95 other agency's child protective investigators or case managers
96 who supervise onsite or offsite visits have reviewed or received
97 training on the clearinghouse's online training manual for
98 supervised visitation programs and affirm to their own agency
99 that they have received training on, or have read and



956310

100 understand, the training manual and the state standards.

101 (2) This section does not prohibit the court from allowing
102 a litigant's relatives or friends to supervise visits if the
103 court determines that such supervision is safe. However, such
104 informal supervisors must be made aware of the free online
105 clearinghouse materials that they may voluntarily choose to
106 review. These materials must provide information that helps
107 educate the informal supervisors about the inherent risks and
108 complicated dynamics of supervised visitation.

109 (3) Supervised visitation and exchange monitoring programs
110 may alert the court in writing if there are problems with cases
111 referred and the court may set a hearing to address these
112 problems.

113 Section 3. Section 753.08, Florida Statutes, is created to
114 read:

115 753.08 Service providers; immunity.—All persons who are
116 responsible for providing services at a supervised visitation or
117 exchange monitoring program who have affirmed to the court in
118 writing that they abide by the state standards described in s.
119 753.06(6) are presumed, prima facie, to be acting in good faith
120 are therefore immune from any liability, civil or criminal,
121 which otherwise might be incurred or imposed.

122 Section 4. Section 753.09, Florida Statutes, is created to
123 read:

124 753.09 Funding.—After January 1, 2011, only supervised
125 visitation programs that have affirmed in a written agreement
126 with the court that they abide by and are in compliance with the
127 state standards provided under s. 753.06(1) may receive state
128 funding for visitation or exchange monitoring services.



956310

129 Section 5. This act shall take effect October 1, 2010.

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131 ===== T I T L E A M E N D M E N T =====

132 And the title is amended as follows:

133 Delete everything before the enacting clause
134 and insert:

135 A bill to be entitled
136 An act relating to supervised visitation and exchange
137 monitoring programs; creating s. 753.06, F.S.;
138 adopting state standards for supervised visitation and
139 exchange monitoring programs; providing for
140 modification; requiring the standards to be published
141 on the website of the Clearinghouse on Supervised
142 Visitation; requiring each program to annually affirm
143 compliance with the standards to the court; creating
144 s. 753.07, F.S.; providing factors for the court or
145 child-placing agency to consider when referring cases
146 for supervised visitation or exchange monitoring;
147 specifying training requirements for persons referring
148 to or providing such services; authorizing supervised
149 visitation programs to alert the court to problems
150 with referred cases; creating s. 753.08, F.S.;
151 providing a presumption of good faith and civil and
152 criminal immunity for persons who have affirmed to
153 courts that they abide by the state standards;
154 creating s. 753.09, F.S.; providing that after a
155 specified date only those supervised visitation
156 programs that adhere to the state standards may
157 receive state funding; providing an effective date.