

By the Committee on Children, Families, and Elder Affairs; and
Senators Wise and Gaetz

586-02741-10

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1 A bill to be entitled
2 An act relating to supervised visitation and exchange
3 monitoring programs; creating s. 753.06, F.S.;
4 adopting state standards for supervised visitation and
5 exchange monitoring programs; providing for
6 modification; requiring the standards to be published
7 on the website of the Clearinghouse on Supervised
8 Visitation; requiring each program to annually affirm
9 compliance with the standards to the court; creating
10 s. 753.07, F.S.; providing factors for the court or
11 child-placing agency to consider when referring cases
12 for supervised visitation or exchange monitoring;
13 specifying training requirements for persons referring
14 to or providing such services; authorizing supervised
15 visitation programs to alert the court to problems
16 with referred cases; creating s. 753.08, F.S.;
17 providing a presumption of good faith and civil and
18 criminal immunity for persons who have affirmed to
19 courts that they abide by the state standards;
20 creating s. 753.09, F.S.; providing that after a
21 specified date only those supervised visitation
22 programs that adhere to the state standards may
23 receive state funding; providing an effective date.

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

26
27 Section 1. Section 753.06, Florida Statutes, is created to
28 read:

29 753.06 Standards.

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30 (1) The standards announced in the final report submitted
31 to the Legislature pursuant to s. 753.03(4) shall be the basis
32 for the state's standards for supervised visitation and exchange
33 monitoring programs, and may be modified only by the advisory
34 board created under s. 753.03(2) after reasonable notice to the
35 programs, but not more often than annually. The clearinghouse
36 shall publish the standards, as modified, on its website. The
37 published standards shall be regarded as the state standards for
38 supervised visitation and exchange monitoring programs.

39 (2) Each supervised visitation and exchange monitoring
40 program must affirm annually in a written agreement with the
41 court that they abide by the standards. If the program has a
42 contract with a child-placing agency, that contract must include
43 an affirmation that the program complies with the standards. A
44 copy of the agreement or contract must be made available to any
45 party upon request.

46 Section 2. Section 753.07, Florida Statutes, is created to
47 read:

48 753.07 Referrals.-

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

52 (a) For cases that are filed under chapter 61 or chapter
53 741 where the courts are the primary source of referrals, the
54 court shall direct referrals for supervised visitation or
55 exchange monitoring as follows:

56 1. The order shall refer the parties to a supervised
57 visitation or exchange monitoring program that has a written
58 agreement with the court as provided in s. 753.06(2) if such a

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59 program exists in the community.

60 2. If a program does not exist, or if the existing program
61 is not able to accept the referral for any reason, the court may
62 refer the case to a local mental health professional. Such
63 professionals are not required to abide by the state standards
64 established in s. 753.06(1); however, such professionals must
65 affirm to the court in writing that they have completed the
66 clearinghouse's free, online supervised visitation training
67 program and have read and understood the state standards.

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

70 1. The agency having primary responsibility for the case
71 must ensure that each family is assessed for problems that could
72 present safety risks during parent-child contact. If risks are
73 present, agency staff shall consider referring the parties to a
74 local supervised visitation program that has affirmed in writing
75 that it adheres to the state standards if such a program exists
76 in the community.

77 2. If agency staff determine that there is no need for a
78 supervised visitation program, no such program exists, or the
79 existing program is unable to accept the referral for any
80 reason, the child protective investigator or case manager having
81 primary responsibility for the case may:

82 a. Supervise the parent-child contact him or herself.
83 However, before a child protective investigator or case manager
84 may supervise visits, he or she must review or receive training
85 on the online training manual for the state's supervised
86 visitation programs and affirm in writing to his or her own
87 agency that he or she has received training on, or read and

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88 understands, the state standards.

89 b. Designate a foster parent or relative to supervise the
90 parent-child visits in those cases that do not warrant the
91 supervision of the child protective investigator or case
92 manager. However, the designated foster parent or relative must
93 first be apprised that the case manager conducted a safety
94 assessment described in subparagraph 1., and must be provided
95 access to free training material on the foster parent's or
96 relative's role in supervised visitation. Such materials may be
97 created by the clearinghouse using existing or new material, and
98 must be approved by the department. Such training may be
99 included in any preservice foster parent training done by the
100 agency.

101 3. If a program does not exist, or if the existing program
102 is unable to accept the referral and the child protective
103 investigator or case manager is unable to supervise the parent-
104 child contact or designate a foster parent or relative to
105 supervise the visits as described in subparagraph 2., the agency
106 having primary responsibility for the case may refer the case to
107 other qualified staff within that agency to supervise the
108 contact. However, before such staff may supervise any visits, he
109 or she must review or receive training on the online training
110 manual for supervised visitation programs and affirm in writing
111 to his or her own agency that he or she has received training
112 on, or has read and understands, the training manual and the
113 state standards.

114 4. The agency that has primary responsibility for the case
115 may not refer the case to a subcontractor or other agency to
116 perform the supervised visitation unless that subcontractor's or

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117 other agency's child protective investigators or case managers
118 who supervise onsite or offsite visits have reviewed or received
119 training on the clearinghouse's online training manual for
120 supervised visitation programs and affirm to their own agency
121 that they have received training on, or have read and
122 understand, the training manual and the state standards.

123 (2) This section does not prohibit the court from allowing
124 a litigant's relatives or friends to supervise visits if the
125 court determines that such supervision is safe. However, such
126 informal supervisors must be made aware of the free online
127 clearinghouse materials that they may voluntarily choose to
128 review. These materials must provide information that helps
129 educate the informal supervisors about the inherent risks and
130 complicated dynamics of supervised visitation.

131 (3) Supervised visitation and exchange monitoring programs
132 may alert the court in writing if there are problems with cases
133 referred and the court may set a hearing to address these
134 problems.

135 Section 3. Section 753.08, Florida Statutes, is created to
136 read:

137 753.08 Service providers; immunity.—All persons who are
138 responsible for providing services at a supervised visitation or
139 exchange monitoring program who have affirmed to the court in
140 writing that they abide by the state standards described in s.
141 753.06(6) are presumed, prima facie, to be acting in good faith
142 are therefore immune from any liability, civil or criminal,
143 which otherwise might be incurred or imposed.

144 Section 4. Section 753.09, Florida Statutes, is created to
145 read:

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146 753.09 Funding.—After January 1, 2011, only supervised
147 visitation programs that have affirmed in a written agreement
148 with the court that they abide by and are in compliance with the
149 state standards provided under s. 753.06(1) may receive state
150 funding for visitation or exchange monitoring services.

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