

1                   A bill to be entitled  
2           An act relating to supervised visitation and exchange  
3           monitoring programs; creating s. 753.06, F.S.; adopting  
4           state standards for supervised visitation and exchange  
5           monitoring programs; providing for modification; requiring  
6           the standards to be published on the website of the  
7           Clearinghouse on Supervised Visitation; requiring each  
8           program to annually affirm compliance with the standards  
9           to the court; creating s. 753.07, F.S.; providing  
10          priorities for the court or referring child-placing agency  
11          to consider when referring cases for supervised visitation  
12          or exchange monitoring; specifying training requirements  
13          for persons referring or providing such services;  
14          providing that a court may allow a litigant's relatives or  
15          friends to supervise visits in certain circumstances;  
16          authorizing supervised visitation and exchange monitoring  
17          programs to alert the court to problems with referred  
18          cases; creating s. 753.08, F.S.; authorizing security  
19          background screenings of employees and volunteers of  
20          supervised visitation programs or monitored exchange  
21          programs; providing standards; providing immunity to  
22          employers who provide information for purposes of a  
23          background screening; providing that a person providing  
24          services pursuant to a court order at a supervised  
25          visitation program or monitored exchange program is not  
26          liable for actions; providing exceptions; creating s.  
27          753.09, F.S.; providing that after a specified date only  
28          those supervised visitation programs that adhere to the

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29 state standards may receive state funding; providing an  
 30 effective date.

31

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

33

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

36 753.06 Standards.—

37 (1) The standards announced in the final report submitted  
 38 to the Legislature pursuant to s. 753.03(4), Florida Statutes  
 39 2008, shall be the basis for the state's standards for  
 40 supervised visitation and exchange monitoring programs and may  
 41 be modified only by the advisory board created under s.  
 42 753.03(2) after reasonable notice to the programs, but not more  
 43 often than annually. The clearinghouse shall publish the  
 44 standards, as modified, on its website. The published standards  
 45 shall be regarded as the state standards for supervised  
 46 visitation and exchange monitoring programs.

47 (2) Each supervised visitation and exchange monitoring  
 48 program must affirm annually in a written agreement with the  
 49 court that it abides by the standards. If the program has a  
 50 contract with a child-placing agency, that contract must include  
 51 an affirmation that the program complies with the standards. A  
 52 copy of the agreement or contract must be made available to any  
 53 party upon request.

54 Section 2. Section 753.07, Florida Statutes, is created to  
 55 read:

56 753.07 Referrals.—

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

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

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

68 2. If a program does not exist, or if the existing program  
69 is not able to accept the referral for any reason, the court may  
70 refer the case to a local mental health professional. A local  
71 mental health professional is not required to abide by the state  
72 standards established in s. 753.06(1) but must affirm to the  
73 court in writing that he or she has completed the  
74 clearinghouse's free online supervised visitation training  
75 program and has read and understood the state standards.

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

78 1. The agency having primary responsibility for the case  
79 must ensure that each family is assessed for problems that could  
80 present safety risks during parent-child contact. If risks are  
81 present, agency staff shall consider referring the parties to a  
82 local supervised visitation program that has affirmed in writing  
83 that it adheres to the state standards if such a program exists  
84 in the community.

85        2. If agency staff determine that there is no need for a  
86 supervised visitation program, no such program exists, or the  
87 existing program is unable to accept the referral for any  
88 reason, the child protective investigator or case manager having  
89 primary responsibility for the case may:

90        a. Supervise the parent-child contact himself or herself.  
91 However, before a child protective investigator or case manager  
92 may supervise visits, he or she must review or receive training  
93 on the online training manual for the state's supervised  
94 visitation programs and affirm in writing to his or her own  
95 agency that he or she has received training on, or read and  
96 understands, the state standards.

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

109        3. If a program does not exist, or if the existing program  
110 is unable to accept the referral and the child protective  
111 investigator or case manager is unable to supervise the parent-  
112 child contact or designate a foster parent or relative to

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113 supervise the visits as described in subparagraph 2., the agency  
114 having primary responsibility for the case may refer the case to  
115 other qualified staff within that agency to supervise the  
116 contact. However, before such a staff member may supervise any  
117 visits, he or she must review or receive training on the online  
118 training manual for supervised visitation programs and affirm in  
119 writing to his or her own agency that he or she has received  
120 training on, or has read and understands, the training manual  
121 and the state standards.

122 4. The agency that has primary responsibility for the case  
123 may not refer the case to a subcontractor or other agency to  
124 perform the supervised visitation unless that subcontractor's or  
125 other agency's child protective investigators or case managers  
126 who supervise onsite or offsite visits have reviewed or received  
127 training on the clearinghouse's online training manual for  
128 supervised visitation programs and affirm to their own agency  
129 that they have received training on, or have read and  
130 understand, the training manual and the state standards.

131 (2) This section does not prohibit the court from allowing  
132 a litigant's relatives or friends to supervise visits if the  
133 court determines that such supervision is safe. However, such  
134 informal supervisors must be made aware of the free online  
135 clearinghouse materials that they may voluntarily choose to  
136 review. These materials must provide information that helps  
137 educate the informal supervisors about the inherent risks and  
138 complicated dynamics of supervised visitation.

139 (3) Supervised visitation and exchange monitoring programs  
140 may alert the court in writing if there are problems with

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141 referred cases, and the court may set a hearing to address these  
142 problems.

143 Section 3. Section 753.08, Florida Statutes, is created to  
144 read:

145 753.08 Service providers; background screening; immunity.-

146 (1) Because of the special trust or responsibility placed  
147 in volunteers and employees of supervised visitation and  
148 monitored exchange programs, such programs may conduct a  
149 security background screening before hiring employees or  
150 certifying volunteers to serve. A security background screening  
151 must include, but need not be limited to, employment history  
152 checks, checks of references, local criminal records checks  
153 through local law enforcement agencies, and statewide criminal  
154 records checks through the Department of Law Enforcement. Upon  
155 request, an employer shall furnish a copy of the personnel  
156 record for the employee or former employee who is the subject of  
157 a security background screening conducted under this section.  
158 The information contained in the personnel record may include,  
159 but need not be limited to, disciplinary matters and the reason  
160 why the employee was terminated from employment. An employer who  
161 releases a personnel record for purposes of a security  
162 background screening is presumed to have acted in good faith and  
163 is not liable for information contained in the record without a  
164 showing that the employer maliciously falsified the record. A  
165 security background screening conducted under this section must  
166 ensure that a person is not employed by, or certified as a  
167 volunteer for, a program if the person has been convicted of,  
168 regardless of adjudication, or entered a plea of nolo contendere

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169 or guilty to, any offense listed in s. 435.04(2) or under any  
170 similar law in another jurisdiction. Before certifying an  
171 applicant to serve as an employee or volunteer, the program may  
172 request a federal criminal records check of the applicant  
173 through the Federal Bureau of Investigation. In analyzing and  
174 evaluating the information obtained in the security background  
175 screening, a program must give particular emphasis to past  
176 activities involving children, including, but not limited to,  
177 child-related criminal offenses or child abuse. A program has  
178 the sole discretion in determining whether to certify a person  
179 based on his or her security background screening.

180 (2) A person providing services pursuant to a court order  
181 at a certified supervised visitation program or monitored  
182 exchange program may not be held personally liable in tort or  
183 named as a party defendant in any action for any injury or  
184 damage suffered as a result of any act, event, or omission  
185 within the scope of his or her employment or function, unless  
186 such person acted in bad faith or with malicious purpose or in a  
187 manner exhibiting wanton and willful disregard of human rights,  
188 safety, or property.

189 Section 4. Section 753.09, Florida Statutes, is created to  
190 read:

191 753.09 Funding.—After January 1, 2011, only supervised  
192 visitation programs that have affirmed in a written agreement  
193 with the court that they abide by and are in compliance with the  
194 state standards under s. 753.06(1) may receive state funding for  
195 visitation or exchange monitoring services.

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