

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1199 Support for Parental Victims of Child Domestic Violence
SPONSOR(S): Criminal Justice Subcommittee, Brown and others
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 1694

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	14 Y, 0 N, As CS	Homburg	White
2) Judiciary Committee	17 Y, 0 N	Homburg	Camechis

SUMMARY ANALYSIS

Domestic violence affects thousands of individuals and families in Florida. In 2015, there were 107,666 domestic violence offenses reported to law enforcement. Currently, the Florida Department of Juvenile Justice (DJJ) provides certain services to families in need of assistance, such as families who have children who are persistently disobeying reasonable and lawful parental demands or who are at risk of entering the justice system.

The bill amends s. 984.071, F.S., to require the DJJ, in collaboration with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence, to develop and maintain updated information and materials detailing the resources and services available in this state to:

- Parents and legal custodians who are victims of domestic violence committed by children or who fear that they will become victims; and
- Children who have committed acts of domestic violence or who demonstrate behaviors that may escalate into domestic violence.

The bill also requires the DJJ to post information and materials on the DJJ website and to make the materials available for distribution through specified entities to the public.

Finally, the bill requires the Criminal Justice Standards and Training Commission ensure that its six-hour basic skills training course in handling domestic violence cases, which must be completed by persons seeking to be certified as law enforcement officers, also include instruction on the issues involved in child-to-parent domestic violence cases.

The bill will have a minimal fiscal impact on the DJJ and Florida Department of Law Enforcement which can be absorbed by existing agency resources. Please see "FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT," *infra*.

The bill has an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Domestic Violence

Domestic violence affects thousands of individuals and families in Florida. In 2015, there were 107,666 domestic violence offenses reported to law enforcement.¹ Law enforcement officers who investigate alleged domestic violence incidents have to inform victims of the domestic violence centers where the victims can receive services.²

Acts of domestic violence are defined by statute as offenses which result in the “physical injury or death of one family or household member by another family or household member.”³ While any criminal offense may constitute domestic violence, statute specifically identifies assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, and false imprisonment as offenses which may qualify as such violence.⁴

The term “family or household member” in this context means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. The family or household members must be currently residing together or have resided together in the past. Persons with children in common need not live or have lived together.⁵

Families in Need of Services

Florida allows certain families to request assistance from the state if they wish to receive it. A “family in need of services” is one that has a child who is running away, persistently disobeying reasonable and lawful parental demands, or habitually truant⁶ from school. The family may also qualify if the child is engaging in any acts which place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system.⁷

The Department of Juvenile Justice (DJJ) provides services to those families determined to be in need of services.⁸ These services can include intensive crisis counseling, parent training, recreational services, or other services determined appropriate by the DJJ.⁹ The department is required to advise the parents or legal guardians that they are responsible for contributing to the cost of such services and treatment to the extent of their ability to pay.¹⁰

Law Enforcement Training

The Criminal Justice Standards and Training Commission is tasked with certifying law enforcement officers in Florida, establishing curriculum requirements for criminal justice training schools, and establishing training standards for officers in the various criminal justice disciplines.¹¹ In general, the

¹ Florida Department of Law Enforcement, *Domestic Violence*, available at <http://www.fdle.state.fl.us/cms/FSAC/Crime-Trends/Domestic-Violence.aspx> (last visited March 27, 2017).

² Section 741.29(1), F.S.

³ s. 741.28, F.S.

⁴ *Id.*

⁵ s. 741.28(3), F.S.

⁶ “Habitually truant” means having 15 unexcused absences from school within 90 calendar days. s. 984.03(27)(a), F.S.

⁷ s. 984.03(25), F.S.

⁸ s. 984.11, F.S.

⁹ s. 984.11(2), F.S.

¹⁰ s. 984.11(3), F.S.

¹¹ s. 943.12, F.S.

details of the standards and curriculum for law enforcement recruits are left to the determination of the Commission; however, since 1986, statute has required that each law enforcement officer recruit take at least six hours of training on how to handle domestic violence cases.¹²

Effect of Proposed Changes

Resources for Parents, Guardians, and Children

The bill amends s. 984.071, F.S., to require the DJJ, in collaboration with organizations that provide expertise, training, and advocacy in the areas of family and domestic violence, to develop and maintain updated information and materials detailing the resources and services available to:

- Parents and legal custodians who are victims of domestic violence committed by children or who fear they will become victims; and
- Children who have committed acts of domestic violence or who demonstrate behaviors that may escalate into domestic violence.

The bill specifies that the materials and services must include, but are not limited to:

- The services available under ch. 984, F.S.;
- Domestic violence services available under ch. 39, F.S.; and
- Juvenile justice services available under ch. 985, F.S., including prevention, diversion, detention, and alternative placements.

The materials must also describe how to access the resources and services throughout the state.

The DJJ must post information and materials on the DJJ website and make the materials available for distribution to the public by providing it to:

- Certified domestic violence centers;
- Other organizations serving victims of domestic violence;
- The clerks of courts;
- Law enforcement agencies; and
- Other appropriate organizations.

Law Enforcement Basic Skills Training

The bill amends s. 943.171(1), F.S., to require that the six-hour basic skills training in handling domestic violence cases also include instruction on the issues involved in child-to-parent domestic violence cases.

The bill makes technical changes to remove an obsolete date.

The bill takes effect July 1, 2017.

B. SECTION DIRECTORY:

Section 1. Amends s. 984.11(5), F.S., relating to services to families in need of services.

Section 2. Amends s. 943.171, F.S., relating to basic skills training in handling domestic violence cases

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹² s. 943.171, F.S.

1. Revenues: None.
2. Expenditures: The bill requires the DJJ, in collaboration with certain organizations, to develop and maintain materials specifying the resources and services available for certain victims of domestic violence. It also requires the DJJ to post such information on its website and to make the materials available to specified entities. The DJJ has indicated that the fiscal impact of the bill can be absorbed by existing agency resources.

The bill requires the issues involved in child-to-parent domestic violence cases to be included in the domestic violence portion of an officer's basic skills course for his or her initial certification. The Florida Department of Law Enforcement has indicated that the fiscal impact of the bill can be absorbed by existing agency resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other: None.

B. RULE-MAKING AUTHORITY: This bill does not appear to create the need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 28, 2017, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute (CS). The amendment:

- Moved the bill's amendment to s. 984.11, F.S., to s. 984.071, F.S., as the substance of the amendment was more relevant to the subject of the latter section of law.
- Removed reference to the Florida Coalition against Domestic Violence and instead allows the DJJ to collaborate with any organization that provides expertise, training, and advocacy in the areas of family and domestic violence.

This analysis is drafted to the CS as passed by the Criminal Justice Subcommittee.