

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

**BILL:** CS/SB 310

**SPONSOR:** Senator Kirkpatrick

**SUBJECT:** Supervised Visitation/Children

**DATE:** April 7, 2000                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matthews	Johnson	JU	Favorable/CS
2.	_____	_____	CF	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill repeals all existing sections of chapter 753, F.S., relating to the Family Visitation Network, and creates provisions for the establishment, certification, and funding of supervised visitation programs statewide for children and their nonresidential parents or other parties or individuals.

This bill creates the following sections of the Florida Statutes: 753.01, 753.02, 753.03, 753.04 and 753.05. The bill also repeals sections 753.001, 753.002, 753.003, and 753.004 of the Florida Statutes.

**II. Present Situation:**

In Florida, there are at least 30 supervised visitation programs, the majority of which are less than 5 years old. Chapter 753, F.S., relating family visitation, however, does not provide for or address uniform statutory guidelines or requirements of operation, practice, monitoring and security for supervised visitation programs. Currently, only four states--California, Hawaii, Kansas, and Minnesota - have statutory provisions relating to standards for supervised visitation programs.

A supervised visitation program generally refers to a program established for the purpose of allowing supervised visits and exchange between a noncustodial parent and a child in the presence of a third party responsible for observing and ensuring the safety of those involved. *See s. 753.001(1), F.S. (1999).* The program can range in scope, security and formality. The program may provide facilities, resources, and administrative services. Some supervised visitation programs are under the auspices of the court. Other supervised visitation programs are run independently by non-profit groups or as components of parent organizations such as the Salvation Army or Children's Home Society. Supervised visitation programs accept referral involving family law, domestic violence and dependency cases.

In correspondence to the Senate President and the Speaker of the House of Representatives, Chief Justice Harding of the Florida Supreme Court stressed the importance and role supervised visitation programs play in family law and dependency cases. *See* Letter from Major B. Harding, Chief Justice, Fla. Sup. Ct., to Sen. Toni Jennings, President, Fla. S., and Rep. John Thrasher, Speaker, Fla. H.R. (Nov. 17, 1999). He also noted the lack of oversight, guidelines and standards for the programs that operate outside the court system which cause the court “great concern.” *Id.*

On November 18, 1999, the Chief Justice of the Supreme Court issued an administrative order providing minimum guidelines for supervised visitation programs *used* by the courts. *In re Supervised Visitation*, Fla. Admin. Order (Nov. 18, 1999). The chief judge of each circuit is directed to enter into an agreement with supervised visitation centers that are willing to comply with the standards by January 1, 2000. *Id.* The courts are required to use only those programs that have entered into the agreement with each circuit, effective July 1, 2000. *Id.*

### **Family Visitation Network**

Chapter 753, F.S., was enacted in 1996 to establish the Family Visitation Network and to provide for supervised visitation projects approved by the board of county commissioners in the county where the project is located. *See* Ch. 96-402, *Laws of Florida*. The Network was charged with, among other things: serving as a clearinghouse on resources and research of supervised visitation programs; providing technical assistance and other support services to existing and emerging supervised visitation programs; compiling a directory of state-supervised programs containing referral information; formulating a newsletter for supervised visitation programs; and organizing workshops and conferences to address issues and concerns of the programs. *See* s. 753.002, F.S. (1999). Most of the provisions of chapter 753, F.S. were never implemented due to lack of funding. Along with the Network, the Legislature created the Florida Family Visitation Task Force, as the governing body of the Network for one year. The task force had the duty of creating bylaws for the Network and providing an evaluation instrument. *See* s. 753.004, F.S. (1999). The provisions for the task force have since expired. *See* ch. 99-5, *Laws of Florida*

### **The Clearinghouse on Supervised Visitation**

Although not statutorily entitled, the Florida Family Visitation Network evolved into The Clearinghouse on Supervised Visitation and was established within the Institute for Family Violence Studies in the School of Social Work at Florida State University. The Clearinghouse has provided many resources to the supervised visitation program community, including: developing a competency-based training manual for supervised visitation providers; hosting a 3-day Institute on supervised visitation in 1998; publishing *The Supervised Visitation Networker*, a quarterly newsletter on visitation issues; and publishing an annual directory of Florida’s supervised visitation programs.

### **Supervised Visitation Network**

The Supervised Visitation Network, an international network of supervised visitation programs, judges, lawyers, and social workers was created in 1994 to facilitate opportunities for children to have safe and conflict-free access to both parents through a continuum of child access services delivered by competent providers. A chapter of the Supervised Visitation Network has been established in Florida.

**III. Effect of Proposed Changes:**

**Section 1** creates s. 753.01, F.S., to provide legislative intent for this bill which recognizes the value of supervised visitation programs and which provides assistance for the development of supervised visitation programs operating under uniform standards for administration and certification. .

**Section 2** creates s. 753.02, F.S., to provide definitions for chapter 753, F.S., as revised. It includes definitions for “child,” “client,” “supervised or monitored exchange,” and “supervised visitation.”

**Section 3** creates s. 753.03, F.S., to list 6 risk scenarios under which a court may order supervised visitation services for a child under a supervised visitation program:

- 1) Documented sexual, physical or emotional child abuse,
- 2) Suspected or elevated risk of sexual, physical or emotional child abuse, or incidents or threats of parental abduction,
- 3) Ongoing risk of domestic violence harm to parent or child,
- 4) Parental impairment due to substance abuse or mental illness,
- 5) Allegations arising under the previous categorical scenarios, pending an investigation, and
- 6) Other circumstances indicating the child is at risk for any of the first reasons stated above.

**Section 4** creates s. 753.04, F.S., which provides for the establishment, certification and funding of supervised visitation programs statewide provided there is private, local, state or federal funding available.

A program must meet the following criteria in order to be certified:

- a) Provide a facility,
- b) Have comprehensive written operating procedures for onsite and offsite supervised visitation and monitored exchange,
- c) Be approved for judicial referrals,
- d) Comply with all applicable laws and regulations,
- e) Receive an annual written endorsement from the local police department and sheriff’s office,
- f) Secure written endorsement from the family or juvenile law divisions of the circuit court or the chief judge regarding the demonstrated local need and ability to sustain the program’s operation,
- g) Complete competency-based training developed by the Clearinghouse on Supervised Visitation,
- h) Develop outcome measures, and
- I) Solicit input annually from local domestic violence shelters regarding security issues and safety considerations.

In order to receive state funding, a program must have obtained certification and must receive at least 25 percent of its funding from one or more local, municipal, county, public or private sources. Contributions in kind may be evaluated and counted as part of the required funding.

The Department of Children and Families will be responsible for the annual distribution to each district of all funds collected and appropriated to supervised visitation programs. The distribution

shall be made according to an allocation formula developed by the department based on the discretionary consideration of specified factors such as population, the number of filed dependency cases, and the number of filed petitions for dissolution of marriage in the judicial circuit.

**Section 5** creates section 753.05, F.S., to designate the Department of Children and Families as the agency responsible for rule-making, certification and monitoring of supervised visitation programs. The department is required to:

- a) Adopt rules relating to the criteria for certification and funding of supervised visitation programs,
- b) Adopt rules relating to minimum standards for the administration and implementation of supervised visitation programs which may involve consultation with the executive board of the Florida Chapter of the Supervised Visitation Network and the director of the Florida Clearinghouse on Supervised Visitation,
- c) Process applications for certification and funding of supervised visitation programs,
- d) Monitor supervised visitation programs to ensure compliance with the minimum standards, and
- e) Adopt rules for administering the provisions of the bill.

The department can deny, suspend or revoke the certification of a supervised visitation program for failure to comply with the statutory provisions.

**Section 6** repeals sections 753.001, 753.002, 753.003, and 753.004, Florida Statutes.

**Section 7** provides that the act becomes effective October 1, 2000.

**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:**

None.

**B. Private Sector Impact:**

This bill may impact significantly the 30 existing supervised visitation programs who will have to expend resources to comply with the minimum standards for certification and operation. It may cause some supervised visitation programs to cease operation.

The bill may benefit children, parents and other participants in supervised visitation programs by ensuring uniform quality and security.

**C. Government Sector Impact:**

The Department of Children and Families has estimated the following fiscal impact in administering the provisions of the bill:

	FY 2000-2001	FY 2001-2002
Non-recurring	\$1,151,464	
Recurring		\$910,905
Long-Run		
Salaries for 17 positions	\$61,876	\$82,501
Expense	\$27,808	\$18,884
OCO	\$7,400	
Contracted Services	\$1,054,380	\$809,520
Total	\$2,302,928	1,821,810

The fiscal impact of every year, thereafter, may also be contingent upon the number of centers in operation.

Section (4) refers to the funding of supervised visitation programs in the catch line. There is no specific appropriation nor identified funding source. According to the Department of Children and Families over 80 percent of the existing supervised visitation programs are funded primarily by county and local governments, the courts, and charitable organizations. Approximately 20 percent of funding for supervised visitation in Florida is provided through the Federal Access and Visitation Grant which is administered by the department.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

- The bill becomes effective October 1, 2000. Section 4 requires a supervised visitation program to be certified by complying with rules adopted by the Department of Children and

Families. Presumably, the Department of Children and Families will have adopted their rules by that date. However, the bill does not provide a time period by which the existing programs must comply with the rules and other requirements.

- Subsection (4) of section 4 requires the Department of Children and Families to distribute “all funds collected and appropriated to supervised programs.” It is unclear whether private, county and local funds collected by the supervised visitation programs must be funneled through the department or kept intact for the specific local supervised visitation program such that this provision is meant only to apply to the distribution of state and federal funds. It is also unclear how in-kind contributions would be treated.
- Subsection (2) of section 5 of the bill repeals s. 753.003, F.S., although this section has already been repealed as of 1999. In addition, all the existing sections of chapter 753, F.S., are repealed by the bill. Since the bill makes no further reference to the Family Visitation Network (title of the chapter), it may be appropriate for the Division of Statutory Revision to rename the chapter to more accurately reflect the subject matter.

**VIII. Amendments:**

None.

---

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

---