



# Clearinghouse on Supervised Visitation Phone Conference/Webinar Agenda



July 21, 2021  
12PM/11CT

## Discussion

1. Welcome and Announcements – Everyone is invited!
2. Check the listings on the website to ensure your program information is up to date and correct for the quarterly report. If you need to add or change anything email Lyndi Bradley at [lbradley2@fsu.edu](mailto:lbradley2@fsu.edu).
3. Questions from Directors: What to do when your referral source states that there are no dangerous cases in supervised visitation
4. Hope for Healing Florida and Our Florida
5. Substance Use Disorders: A Continuing Conversation for Florida Supervised Visitation Providers
  - o The Clearinghouse will send the link to the presentation after the training
6. Legislative Summaries: Domestic Violence & Child Welfare
7. Language Matters Handout



First Lady Casey DeSantis initiative, **Hope for Healing**, a public health campaign in collaboration with Florida Department of Children and Families, the Florida Department of Juvenile Justice and the Florida Department of Education, will be expanded this month.

The Hope for Healing initiative aims to help Floridians navigate mental health and substance abuse resources. Their webpage currently features service locators to help Floridians [find mental health and substance abuse providers](#), as well [as local organizations offering help and hope](#). Additionally, they provide links to resources for [students, parents, veterans, first responders, youth in crisis, children and families](#), and [senior citizens](#). *This month the Hope for Healing's webpage will be expanded to include updated resource lists and information.*

The initiative also features a Peer-to-Peer Student Mentorship Program at 100 Florida high schools, first launched during the 2020-2021 school year.

**For more information visit <https://www.hopeforhealingfl.com/>**

# OUR Florida

For questions about the program, call 833.493.0594, 7 days a week from 7 a.m. to 6 p.m. EST.

**OUR FLORIDA** Applicant Assistance FAQs Resources News 833.493.0594 Portal Login

## Helping Floridians Get Back on Their Feet


Florida's federally-funded emergency rental assistance relief program to support residents and businesses as they continue to recover and rebuild.

[Do I Qualify?](#) [Apply Today](#) →

OUR Florida is currently accepting applications for rental and utility assistance and will begin processing applications in the order in which they were received beginning Monday, May 17, 2021.

It is important to submit a complete application with all required documentation to receive assistance quickly and accurately.

To check the status of your application, visit [HERE](#).



**OUR Florida is a federally-funded emergency rental assistance relief program** to support residents and business as they continue to recover and rebuild from the economic impact of the pandemic.

Individuals may be eligible if they:

- **Rent a home, apartment, or other residential dwelling in Florida.**
- **Earn an income at or below 80% of the area's median income (AMI).**
- **Have qualified for unemployment, experienced a loss of income, incurred significant costs or faced financial hardships due to the COVID-19 Public Health Emergency.**
- **Are at risk of losing their home, experiencing housing instability or are living in unsafe or unhealthy conditions.**

**Renters with income at or below 50% AMI and/or families who have experienced unemployment within the past 90 days will be prioritized.**

More information on eligibility, materials for application, and application portal, visit <https://www.ourflorida.com/> or call 833.493.0594 toll-free

Applicants are encouraged to apply online through the [application portal](#).

Applicants can upload documentation, receive verification, and obtain relief via the online portal.



# Substance Use Disorders: A Continuing Conversation for Florida Supervised Visitation Providers

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# Substance Use Disorder

## Implications for Supervised Visitation Policy and Practices

### Language Matters

How we talk about substance use disorders changes the way we view them. Using language that puts the person *before* their diagnosis maintains an environment of respect and dignity. Each person is multi-faceted and their substance use disorder is only one part of their life. Below are some examples of substitutes you can use in supervised visitation to promote healing and foster the hope that healing is possible.

#### **Instead of this...**

**Addict, user, junkie**

**Alcoholic, drunk**

**Former or reformed addict**

**Addict, user, junkie**

**Habit**

**Abuse**

**Clean**

**Dirty**

**Addict baby**

#### **... Try this!**

Person with \_\_\_\_\_ use disorder; patient

Person with alcohol use disorder; person who misuses alcohol

Person in recovery or long term recovery/  
person previously used drugs

Substance use disorder; drug addiction

Use (illicit drugs); misuse (prescriptions)

testing negative; being in remission or recovery;  
not drinking/currently using

Testing positive; person using drugs/alcohol

Baby born to mother who used drugs while pregnant;  
Newborn exposed to substances;  
Baby with neonatal opioid withdrawal

### Attitude Matters

Parents with substance use disorders deserve to be treated with dignity and respect. Holding space for their recovery and working from a strengths perspective, rather than a deficit perspective is more likely to lead to recovery. How we approach support and treatment options for parents with substance use disorder can be clouded by pre-conceived judgements and bias.

Having a substance use disorder does not mean a person is:

- Unable to recover. Instead, there is always hope for recovery.
- Bad or evil. Instead, we know good people can have bad things happen to them.
- A bad parent or does not love their child. Instead, parents are just people who have struggles.
- A failure because of a relapse. Instead, relapse should be considered part of the recovery process.



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## 2021 Legislative Summary: New Laws Impacting Domestic Violence Centers and Survivors



### **SB 68:**

#### **Public Records/Staff and Domestic Violence Advocates of Domestic Violence Centers Bill**

**Effective Date:** June 4, 2021

- Creates public records exemptions from s.119.07(1) and s. 24(a), Art. 1 of the State Constitution for:
  - the home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families (DCF) pursuant to Chapter 39;
  - the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel;
  - the names and locations of schools and day care facilities attended by the children of such personnel.
- Recognizes that it is a public necessity for public records exemptions for current and former staff and domestic violence advocates of certified domestic violence centers and their families because they are at heightened risk of physical and emotional harm from perpetrators because of the work they do at the centers, and that a public records exemption for home addresses and other personal information provides them with a level of protection to reduce the risk.
- Recognizes that without a public records exemption, persons may be less willing to work at certified domestic violence centers, thus reducing the pool of resources and assistance available to address the already significant needs of victims of domestic violence.

### **SB 70: Domestic Violence Centers Bill**

**Effective Date:** July 1, 2021

- Criminalizes the malicious publication, dissemination or disclosure of any descriptive information or image that may identify the location of a domestic violence center certified by the DCF pursuant to s. 39.905 or who otherwise maliciously discloses the location of a center.
- Persons convicted of this crime commit a misdemeanor of the first degree, punishable by up to one year in prison, imposition of a fine not to exceed \$1000.00 and imposition of court costs. Persons convicted of this crime a second or subsequent time commit a felony of the third

degree, punishable by up to five years in prison, imposition of a fine not to exceed \$5000.00 and imposition of court costs.

- Section 39.908 F.S. exempts from public records the location of certified domestic violence centers and facilities to protect the safety of survivors, their children and employees and volunteers of the centers. Survivors are more likely to seek help if they know they are receiving shelter and other services in a confidential location that cannot be located by perpetrators.
- The new law addresses the reports from certified centers of perpetrators of domestic violence and others intentionally disclosing the location of a certified domestic violence center when they believe their victims are residing at the shelter or receiving services from the center, or when they retaliate against the center for serving the victims. Such disclosures create significant safety issues for survivors receiving services and for center employees and volunteers. These persons can now be charged with and convicted of a crime. The threat of criminal penalties also could dissuade persons with malicious intent from disclosing or publishing the location of certified centers, and thus prevent harm to survivors, their children, and to center employees and volunteers.

### **HB 441: Elder Focused Dispute Resolution Process Bill**

**Effective Date: July 1, 2021**

- Creates an elder-focused dispute resolution process in Chapter 44, F.S., and authorizes courts to appoint eldercaring coordinators and refer parties to eldercaring coordination in guardianship and other certain types of cases. Civil injunction for protection proceedings are NOT included in the statute and the court is NOT authorized to appoint an eldercaring coordinator in civil injunction for protection cases.
- Section 44.407(3)(b) prohibits the court from referring a party who has a history of domestic violence or exploitation of an elderly person to eldercaring coordination unless the elder and other parties to the action consent to the referral. The court is required to offer each party an opportunity to consult with an attorney or domestic violence advocate before accepting consent to eldercaring referral. The court must determine whether each party has given his or her consent freely and voluntarily.
- The court must also consider whether a party has committed an act of exploitation under s. 415.102, exploitation of an elderly person or disabled adult as defined in s. 825.103(1), or domestic violence as defined in s. 741.28 against another party or any member of another party's family; engaged in a pattern of behaviors that exert power and control over another party and that may compromise another party's ability to negotiate a fair result; or engaged in behavior that leads another party to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence. The court shall consider and evaluate all relevant factors, including, but not limited to, the factors specified in s. 741.30(6)(b).
- If a party has a history of domestic violence or exploitation of an elderly person, the court must order safeguards to protect the safety of the participants and the elder and the elder's property, including, but not limited to, adherence to all provisions of an injunction for protection or conditions of bail, probation, or a sentence arising from criminal proceedings.

## **HB 583: Interception of Wire, Oral or Electronic Communication Made in Violation of Protective Orders**

Effective Date: July 1, 2021

- Section 934.03(l), F.S. creates an exception to the ss 934.04-934.09, F.S. prohibitions on interception and recording of communications without the other party's consent. A person who is protected under a temporary or final injunction for protection against domestic, dating, sexual and repeat violence, and stalking or other court-imposed prohibition of conduct, may lawfully record the other party's wire, oral or electronic communication without consent if the communication violates the injunction or order.
- The recording may be provided to a law enforcement agency, an attorney or a court, and may only be used as evidence of a violation of a specified injunction or order. The other party must have been served with the temporary or final injunction or be otherwise on notice that the conduct is prohibited. The recording may not be otherwise disseminated or shared.
- A survivor's ability to record verbal threats or other prohibited communications without consent should serve as an important evidentiary tool to increase arrests of perpetrators and enable successful criminal prosecutions and/or civil contempt orders of injunction violations.

## **HB 1231: Domestic Violence**

Effective Date: July 1, 2021

### Legislative Intent

- Updates the legislative intent in s. 39.901 to reflect the current statutory definition of domestic violence; to acknowledge that intimate partner violence is a significant public health threat that has adverse impacts on Florida families, and to reflect the 2020 removal of the Florida Coalition Against Domestic Violence from statute and that the Department is responsible for certifying and monitoring domestic violence centers.

### Certified Domestic Violence Centers

- Adds nonresidential outreach services as a minimum service certified domestic violence centers must provide to victims and their dependents.
- Requires certified domestic violence centers to obtain funding from local public and private sources in an amount that equals at least 25% of the amount of funding the center receives from the Domestic Violence Trust Fund established in s. 741.01.
- Allows certified domestic violence centers to carry forward up to 8% of their funding from one fiscal year to the next with certain conditions, which is similar to what is currently permitted for other child welfare community-based care agencies.

### Batterers' Intervention Programs (BIPs)

- Reenacts statutes in Chapter 741 to authorize the Department of Children and Families to again certify and monitor BIPs, and to adopt rules to administer certification and monitoring.



The Department performed this duty until 2012, when funding for the Department's BIP staff was eliminated. There has been no state certification or monitoring of BIPs since 2012.

- Permits certified BIPs to use a cognitive behavioral model or a psychoeducational model in its program content based on research that cognitive behavioral models also are effective in changing batterer behavior.
- Batterers' Intervention Programs have been recognized since the 1980s as an integral part of the coordinated community response to hold perpetrators of domestic violence accountable, effectuate behavior change, and prevent future domestic violence. Florida courts are required by statute to order perpetrators of domestic violence to complete BIPs in certain circumstances, and criminal and civil injunction courts often order batterers to complete BIPs even when not required by statute. Currently there are approximately 130 BIPs in Florida. Reauthorizing the Department to certify and monitor BIPS addresses the significant concerns expressed by judges, domestic violence advocates, prosecutors, probation officers, survivors and BIP providers that lack of state certification and monitoring has adversely impacted the overall quality and effectiveness of BIPs in their communities.

## Child Welfare and Related Laws Legislative Updates

### **Kaia Rolle Act – HB 7051:**

Amends §985.031

Prohibits arrest of a child under the age of 7 from being arrested, charged or adjudicated delinquent based on an act occurring prior to the age of 7 – unless it is a forcible felony per §776.08.

*Effective July 1, 2021. (Signed 6/29/21)*

### **Juvenile Justice Programs & Detention – HB 885**

- **Fla. Stat. §20.316:** Codifies the accountability program created in implementing language in 2020. Fla. Stat. §985.101: Adds five factors for court to consider in deciding whether a child's failure to appear was willful.
- **Fla. Stat. §985.435:** Requires communities to establish incentives and consequences to address technical violations of probation.
- **Fla. Stat. §985.6865:** Revises cost-sharing language to ensure that counties that provide their own detention are not subject to cost-sharing
- **Fla. Stat. §1003.52(23):** Requires DJJ to consult with Dept. of Education to evaluate alternative model for providing education for youth.

*Effective July 1, 2021. (Signed 6/29/21)*

### **Tuition & Fee Exemption – SB 52**

SB 52, Amends Fla. Stat. §1009.25 by adding two commas to clarify that youth in care under age 18 are entitled to the tuition exemption. Applies to students who complete high school prior to age 18.

*Effective July 1, 2021. (Signed 6/24/21)*

### **Child Protection – HB 871**

HB 871 Amends Fla. Stat. §768.28 to provides sovereign immunity to members of Child Protection teams when they act under the control of the state.

*Effective July 1, 2021. (Signed 6/21/21)*

### **Child Welfare – SB 80 Case Record Face Sheets §39.00146 (new)**

Requires DCF/ CBC to develop a Face Sheet for each file.

- Face sheet summarizes key data from the file.
- Must include specific information about the child's case to be kept in the dependency case file as a quick reference resource.
- Must be updated at least once a month.
- Must be in a uniform and standardized format and be electronic and have the capability to be printed.

### **Child Welfare – SB 80 Priority of Placement §39.4021 (new)**

Priority of Placements

1. Non-Offending Parent
2. Relative Caregiver
3. Adoptive parent of a sibling
4. Fictive Kin with close existing relationship
5. Nonrelative caregiver that does not have an existing relationship
6. Licensed foster care
7. Group or congregate care\*

*\*Beginning Oct 1, Family First will only pay for 14 days in group care unless there is a treatment need.*

**Child Welfare – SB 80 Priority of Placement §39.4021 (new)**

Sibling Groups:

Must be placed in the same placement whenever possible and

If placement together is in the best interest of each child in the sibling group.

Placement decisions for sibling groups must be made pursuant to §39.4022 and §39.4024

**Child Welfare – SB 80 Best Interest Determination §39.01375 (new)**

DCF, CBC and Court shall consider factors in determining whether a placement is in child's best interest.

1. Age
2. Physical, mental and emotional health benefits of remaining or moving
3. Stability & longevity of current placement
4. Established bonded relationship with current or proposed caregiver
5. Reasonable preference of the child (if sufficient age and capacity to express preference)
6. Recommendation of child's current caregiver
7. Recommendation of the guardian ad litem
8. Child's relationship with siblings if it will separate or reunite siblings – per §39.4024
9. Likelihood of attaining permanency
10. Likelihood of school change and impact of change
11. Impact on receipt of medical, behavioral, dental or other services (availability and continuity of care)
12. Allegations that caused the child to enter care
13. Impact on activities important to the child
14. Impact on access to education, Medicaid and independent Living benefits\*
15. Other Relevant factors

*\*See Independent Living Benefit Chart*

**Child Welfare – SB 96 Commission on Mental Health & Substance Abuse §394.9086**

**(new)**

- Creates 19-member Commission
- Review and evaluate the management and functioning of the existing public mental health system including several specific issues.
- Convenes by September 2, 2021, submits interim report September 1, 2022, final report September 2023 and §39.4024