

ADMINISTRATIVE ORDER
NO. 2015-07

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

**ORDER GOVERNING BATTERERS' INTERVENTION PROGRAM PROVIDERS,
NINTH JUDICIAL CIRCUIT**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, per section 741.32, Florida Statutes, the Legislature has found that the incidence of domestic violence in this state is disturbingly high and that, despite the efforts of many to curb this violence, one person dies at the hands of a spouse, ex-spouse, or cohabitant approximately every 3 days. Further, a child who witnesses the perpetration of this violence becomes a victim as he or she hears or sees it occurring. This child is at high risk of also being the victim of physical abuse by the parent who is perpetrating the violence and, to a lesser extent, by the parent who is the victim. These children are also at a high risk of perpetrating violent crimes as juveniles and, later, becoming perpetrators of the same violence that they witnessed as children. Additionally, the Legislature has found that there should be standardized programming available to the justice system to protect victims and their children and to hold the perpetrators of

domestic violence accountable for their acts. Finally, the Legislature recognizes that in order for batterers' intervention programs to be successful in protecting victims and their children, all participants in the justice system as well as social service agencies and local and state governments must coordinate their efforts at the community level; and

WHEREAS, the Department of Children and Families has historically been responsible for the statewide domestic violence program, which provides supervision, direction, coordination, and administration of activities related to domestic violence prevention and intervention services; and

WHEREAS, imperative to ending domestic violence is to ensure that batterers' intervention program providers have the necessary credentials, experience and hands-on knowledge to ensure program effectiveness and offender compliance with a focus on victim safety; and

WHEREAS, batterers' intervention programs are an integral component to a comprehensive approach to domestic violence. Strong communication between providers of such programs and the criminal justice system is paramount to making sure perpetrators of domestic violence are held accountable and a change in behavior is attainable; and

WHEREAS, effective July 1, 2012, HB 7093 amended section 741.32, Florida Statutes, and other related statutes, terminating the Department of Children and Family Services Office for Certification and Monitoring of batterers' intervention programs with no further specification as to certification and oversight of said programs; and

WHEREAS, Administrative Order No. 2012-12, Temporary Order Governing Batterers' Intervention Programs for the Ninth Judicial Circuit Court, was issued June 29, 2012, stating that as of the effective date of that Order, all current state certified batterers' intervention programs shall remain the sole referral source for the Ninth Judicial Circuit Court until such time as the

Court implements permanent measures to address the need created by House Bill 7093, effective July 1, 2012; and

WHEREAS, pursuant to section 741.325(1), Florida Statutes, when the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of batterers' intervention programs from which the respondent must choose a program in which to participate; and

WHEREAS, the undersigned Chief Judge has determined that establishing an approved list of Certified Batterers' Intervention Program Providers for Orange and Osceola County would serve the interest of justice and judicial economy, preserve judicial resources, assist the bar in discharging the duties and obligations to clients, and benefit the citizens of Orange and Osceola County; and

WHEREAS, it is necessary for the Chief Judge to establish an administrative process for review, approval, certification, renewal and regulation of program providers meeting the necessary requirements to be certified as a batterers' intervention program provider as provided by the Florida Statutes and this Administrative Order throughout the Ninth Judicial Circuit;

NOW, THEREFORE, I, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, do hereby order that the following standards, requirements and procedures shall be established for all batterers' intervention programs to be eligible for inclusion on the approved list of Certified Batterers' Intervention Program Providers for the Ninth Judicial Circuit, **effective immediately**, and to continue until further order:

I. PURPOSE:

The purpose of this Administrative Order is to establish a local process for the certification of batterers' intervention programs in the Ninth Judicial Circuit, for both Orange County and Osceola County, Florida.

II. MAINTENANCE OF THE CERTIFIED BATTERERS' INTERVENTION PROGRAM PROVIDER LIST:

Court Administration shall maintain and publish an approved list of Certified Batterers' Intervention Programs meeting the requirements of the Florida Statutes and this Administrative Order. The list may be amended at any time and the most current list shall be distributed to all Judges for use when ordering an individual to a batterers' intervention program.

III. THE COMMITTEE:

A. The Chief Judge shall appoint a group of natural persons to investigate and recommend batterers' intervention program providers who have submitted an application for inclusion in the approved list of Certified Batterers' Intervention Programs, review allegations of non-compliance and recommend action against any batterers' intervention program provider found in non-compliance with the Florida Statutes and/or this Administrative Order, or perform such other tasks as are established by this Administrative Order or delegated by the Chief Judge.

B. Court Administration shall provide administrative oversight of the Committee.

The name and contact information to reach Court Administration is:

Helene Welch
Court Operations Consultant
Phone: (407) 836-0471
Email: ctadhw1@ocnjcc.org

C. The Chief Judge shall make all appointments to the Committee. Each appointee shall serve at the Chief Judge's pleasure and discretion.

D. All Committee members shall serve without compensation or reimbursement of expenses.

E. The Chief Judge shall determine the size and composition of the Committee, but said Committee shall have at minimum:

1. A representative of the Court;
2. Three persons designated by the Chief Judge;
3. A representative from the Domestic Violence community for Orange County;
4. A representative from the Domestic Violence community for Osceola County;
5. A representative from State of Florida probation domestic violence unit;
6. A representative from Orange County probation domestic violence unit;
7. A representative from Osceola County probation domestic violence unit;
8. A representative from the Orange County Clerk of Courts Administration;
9. A representative from the Osceola County Clerk of Courts Administration;
10. A representative from the Department of Children and Families;
- and
11. A representative from the Ninth Judicial Circuit Court Administration.

F. Subject to approval by the Chief Judge, the Committee may prescribe rules and regulations, norms and codes of conduct, and other requirements regarding the investigation and recommendation for inclusion of batterers' intervention programs in the approved list of Certified Batterers' Intervention Programs, review of allegations of non-compliance and make recommendations, and the performance of such other tasks as are delegated to the Committee by the Chief Judge.

IV. CERTIFICATION OF BATTERERS' INTERVENTION PROGRAM PROVIDERS:

Any batterers' intervention program seeking certification as an approved batterers' intervention program within the Ninth Judicial Circuit must meet the requirements of section 741.325, Florida Statutes, and this Administrative Order. Pursuant to section 741.325(1), Florida Statutes, a batterers' intervention program must meet the following requirements:

(a) The primary purpose of the program shall be victim safety and the safety of children, if present.

(b) The batterer shall be held accountable for acts of domestic violence.

(c) The program shall be at least 29 weeks in length and include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming.

(d) The program content shall be based on a psychoeducational model that addresses tactics of power and control by one person over another.

(e) The program shall be funded by user fees paid by the batterers who attend the program, which allows them to take responsibility for their acts of violence. An exception shall be made for local, state, or federal programs that fund batterers' intervention programs in whole or in part.

V. APPLICATION FOR CERTIFICATION OF BATTERERS' INTERVENTION PROGRAM PROVIDERS:

A. New Program Provider Applicants:

1. The Program Provider Applicant must submit an application to the Committee, c/o the Court Administration contact as provided in section III. B. of this Administrative Order. See Exhibit "A" to this Order for the initial application. The Program Provider Applicant must also submit an Affidavit of Compliance certifying that the program meets all of the qualifications to be a batterers' intervention program provider as listed in section 741.325, Florida Statutes. See Exhibit "C" to this Administrative Order.

2. A Program Provider Applicant who meets the requirements of the Florida Statutes and this Administrative Order may be placed on the list and, once placed on the list, shall be authorized to offer a batterers' intervention program in the Ninth Judicial Circuit. Placement on the list shall be valid for one (1) year from the date of inclusion on the list and must be renewed annually before its expiration.

3. Failure to update necessary information or failure to continuously meet the requirements of the Florida Statutes and this Administrative Order will result in immediate removal from the list.

B. *Renewal Program Applicants:*

1. The Program Provider Applicant must submit a renewal application to the Committee, c/o the Court Administration contact as provided in section III. B. of this Administrative Order. See Exhibit “B” to this Administrative Order for the renewal application. The Program Provider Applicant must also submit an Affidavit of Compliance certifying that the program continues to meet all of the qualifications to be a batterers’ intervention program provider as listed in section 741.325, Florida Statutes. See Exhibit “C” to this Administrative Order.

2. Upon meeting the requirements of this Administrative Order, the Program Provider Applicant shall remain on the approved list of Certified Batterers’ Intervention Program Providers for the Ninth Judicial Circuit. Renewal shall be valid for one (1) year from the date of inclusion on the list. Each renewal application for continued inclusion on the list must be submitted annually prior to expiration of the current approval.

3. Failure to update necessary information, failure to continuously meet the requirements of the Florida Statutes and this Administrative Order, or failure to provide the Affidavit of Compliance certifying that the program continues to meet all of the qualifications to be a batterers’ intervention program provider as listed in section 741.325, Florida Statutes will result in removal from the list.

VI. CERTIFIED BATTERERS’ INTERVENTION PROGRAM PROVIDER DUTIES AND CODE OF CONDUCT:

A. Program providers on the approved list of Certified Batterers’ Intervention Programs shall comply and keep current with all applicable rules, regulations, administrative orders and statutes (to include Florida and other Federal, foreign or domestic jurisdictions) pertaining to batterers’ intervention programs.

B. Although program providers on the approved list of Certified Batterers' Intervention Programs are not employees, agents, officers, or representatives of the Ninth Judicial Circuit, its Judges or employees, the Clerks, the State of Florida, Orange County, Osceola County, or any municipality and any of its divisions, agencies, or departments, because program providers on the approved list of Certified Batterers' Intervention Programs by virtue of their power and identification give the appearance that they represent the Ninth Judicial Circuit when offering a certified batterers' intervention program, they shall:

1. be competent, courteous, and professional,
2. portray a professional appearance to general public, and
3. refrain from any act, or statement that would impugn the Judiciary or Court Administration.

C. Program providers on the approved list of Certified Batterers' Intervention Programs shall not perform program services in any cause of action in which they have an interest.

D. Any lawsuits brought against a program provider on the approved list of Certified Batterers' Intervention Programs due to his or her actions as a certified batterers' intervention program provider in any jurisdiction, foreign or domestic, shall be reported immediately to Court Administration.

E. Program providers on the approved list of Certified Batterers' Intervention Programs must report any change in work address or telephone number to Court Administration within five (5) calendar days of the change.

F. Program providers on the approved list of Certified Batterers' Intervention Programs must comply with any request made by the Chief Judge or the Committee within five (5) calendar days of the day of the request.

G. Program providers on the approved list of Certified Batterers' Intervention Programs shall truthfully answer all questions and inquiries from the Chief Judge or the Committee.

H. Program providers on the approved list of Certified Batterers' Intervention Programs shall comply with all administrative orders, rules, regulations and statutes pertaining to batterers' intervention programs at all times.

I. Program providers on the approved list of Certified Batterers' Intervention Programs shall report to the various courts as required by the Judges of those courts so that the courts may assess and evaluate the progress of persons required to attend batterers' intervention programs.

VII. DISCIPLINE:

A. Any program provider on the approved list of Certified Batterers' Intervention Programs may be immediately removed from the list for good cause. Good cause shall include malfeasance, misfeasance, neglect of duty or incompetence in connection with the duties of a Certified Batterers' Intervention Program Provider, violation of any of the provisions of this Administrative Order, section 741.325, Florida Statutes, or of any applicable rules, regulations, administrative orders and statutes (to include Florida and other Federal, foreign or domestic jurisdictions) pertaining to batterers' intervention programs.

B. Any person aggrieved by the actions of a program provider on the approved list of Certified Batterers' Intervention Programs may file a complaint with Court Administration. The complaint shall be referred to the Committee for investigation and recommendation.

C. After a hearing in which the program provider has an opportunity to be heard and present evidence, the Committee shall forward its findings and recommendations to the Chief

Judge for review, ultimate decision, and imposition of sanctions. The sanctions may include admonishment or suspension or revocation of certification. The Committee can request the Chief Judge issue subpoenas to compel the attendance of witnesses.

D. The standard of proof in disciplinary proceedings shall be preponderance of the evidence.

E. Nothing herein shall limit the power of the Chief Judge or any other Judge in Florida or in any other Federal, foreign or domestic jurisdiction to take whatever action he or she deems appropriate without the necessity of referral to the Committee.

F. The decision of the Chief Judge is final.

VIII. NO WAIVER OF IMMUNITY:

No provision of this Administrative Order is intended to waive, in whole or in part, judicial, sovereign, or other immunity held by the Courts of this Circuit as either a body or as an individual.

IX. NO AGENCY RELATIONSHIP ESTABLISHED:

A. Batterers' intervention program providers on the list are not employees, agents, officers or representatives of the Ninth Judicial Circuit, its Judges or employees, the Orange County Clerk of Court, the Osceola County Clerk of Court, the State of Florida, Orange County, Osceola County or any municipality and any of its divisions, agencies or departments.

B. Batterers' intervention program providers on the list are not under the supervision, direction or control of the Ninth Judicial Circuit, its Judges or employees, the Orange County Clerk of Court, the Osceola County Clerk of Court, the State of Florida, Orange County, Osceola County or any municipality and any of its divisions, agencies or departments.

X. MISCELLANEOUS:

A. The Chief Judge may amend or expand the provisions or coverage of this Administrative Order at any time and without notice.

B. The Chief Judge may issue other or further administrative orders as he or she, in his or her discretion, may deem necessary.

Administrative Order No. 2012-12 is hereby vacated and set aside and has been incorporated and/or amended herein.

DONE AND ORDERED at Orlando, Florida, this 17th day of September, 2015.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

EXHIBIT "A"
INITIAL CERTIFIED BATTERERS' INTERVENTION PROGRAM PROVIDER
APPLICATION
NINTH JUDICIAL CIRCUIT

This application must be completed in its entirety if you wish to be considered for inclusion as a provider on the Ninth Judicial Circuit Court's Batterers' Intervention Program Provider roster.

Program Name: _____

Business Address: _____

Phone Number: _____

Email: _____

Pursuant to section 741.325, Florida Statutes, Batterers' Intervention Programs must meet the following requirements: (a) The primary purpose of the program shall be victim safety and the safety of children, if present. (b) The batterer shall be held accountable for acts of domestic violence. (c) The program shall be at least 29 weeks in length and include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming. (d) The program content shall be based on a psycho-educational model that addresses tactics of power and control by one person over another. (e) The program shall be funded by user fees paid by the batterers who attend the program, which allows them to take responsibility for their acts of violence. An exception shall be made for local, state, or federal programs that fund batterers' intervention programs in whole or in part.

Please acknowledge the following (check all that apply):

- The program meets all of the above-listed statutory requirements.
- The program is appropriately licensed and insured.
- I am familiar with the practices and procedures of the Ninth Judicial Circuit and will abide by applicable administrative orders.
- I understand that the submission of an application does not guarantee placement on the roster.
- The completed Affidavit of Compliance is attached to this application.

I am interested in providing a Batterers' Intervention Program in the following locations within the Ninth Judicial Circuit: Orange Osceola

Program Administrator (Print Name)

Program Administrator- Signature

Date Signed

Please submit applications to:
Court Administration, Orange County Courthouse
425 North Orange Avenue, Suite 2130, Orlando, Florida 32801

EXHIBIT "B"
CERTIFIED BATTERERS' INTERVENTION PROGRAM RENEWAL APPLICATION
NINTH JUDICIAL CIRCUIT

This application must be completed in its entirety if you wish to be considered for continued inclusion as a provider on the Ninth Judicial Circuit Court's Batterers' Intervention Program Provider roster.

Program Name: _____

Business Address: _____

Phone Number: _____

Email: _____

Pursuant to section 741.325, Florida Statutes, Batterers' Intervention Programs must meet the following requirements: (a) The primary purpose of the program shall be victim safety and the safety of children, if present. (b) The batterer shall be held accountable for acts of domestic violence. (c) The program shall be at least 29 weeks in length and include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming. (d) The program content shall be based on a psycho-educational model that addresses tactics of power and control by one person over another. (e) The program shall be funded by user fees paid by the batterers who attend the program, which allows them to take responsibility for their acts of violence. An exception shall be made for local, state, or federal programs that fund batterers' intervention programs in whole or in part.

Please acknowledge the following (check all that apply):

- The program meets all of the above-listed statutory requirements.
- The program is appropriately licensed and insured.
- I am familiar with the practices and procedures of the Ninth Judicial Circuit and will abide by applicable administrative orders.
- I understand that the submission of a renewal application does not guarantee continued placement on the roster.
- The completed Affidavit of Compliance is attached to this application.

I am interested in providing a Batterers' Intervention Program in the following locations within the Ninth Judicial Circuit: Orange Osceola

Program Administrator (Print Name)

Program Administrator- Signature

Date Signed

Please submit applications to:
Court Administration, Orange County Courthouse
425 North Orange Avenue, Suite 2130, Orlando, Florida 32801

EXHIBIT "C"
BATTERERS' INTERVENTION PROGRAM PROVIDERS
AFFIDAVIT OF COMPLIANCE

I, {full legal name} _____ being sworn, certify that I meet/continue to meet all of the qualifications to be a batterers' intervention program provider listed in section 741.325, Florida Statutes.

Full Name: _____
(Print)

Program Name: _____

Business Address: _____

Email Address: _____

Phone: _____

Signature Date

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by
_____.

NOTARY PUBLIC
(Print, type, or stamp commissioned name of notary)

___ Personally known

___ Produced identification

Type of identification produced: _____