

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY**

ADMINISTRATIVE ORDER H-2001-10

**ADMINISTRATIVE ORDER ESTABLISHING
BATTERER'S INTERVENTION AND EDUCATIONAL PROGRAMS
FOR PERSONS INVOLVED IN DOMESTIC VIOLENCE**

WHEREAS, the number of domestic violence incidents has increased dramatically in recent years; and the injuries sustained by victims have increasingly become more serious as these incidents have become more frequent and violent; and

WHEREAS, the Court is desirous of providing a means of assisting both the victim and the abuser in domestic violence situations, while enforcing the provisions of pertinent Florida Statutes; and

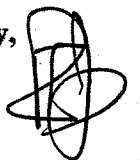
WHEREAS, to provide such assistance, it is essential that all agencies which may have a positive effect on the domestic violence situation be advised and informed when an event occurs so they may take whatever action is possible to provide assistance; and

WHEREAS, after discussing this problem with professionals who work in this area, it is the belief of this Court that counseling and education may produce a positive result in reducing such domestic violence incidents; and

WHEREAS, this Court finds that such counseling and education should be provided through an agency or service which can meet certain established criteria as set forth by this Court; and

WHEREAS, an office for certification and monitoring of Batterer's Intervention Programs has been established to uniformly and systematically standardize programs for those who perpetrate acts of violence; and

WHEREAS, Hernando County is desirous of upgrading its present program and instituting a Certified Batterer's Intervention program to be effective October 1, 2001, in addition to programs currently available, to ensure that the batterers shall be held responsible for acts of domestic violence, and that the safety and welfare of the victim and children, if any, is paramount; and in consideration thereof



IT IS HEREBY ORDERED that effective immediately:

1) Mandatory attendance at a twenty-six (26) week counseling program shall be an option in Hernando County for all parties involved in a domestic violence action where a civil injunction exists, or criminal sanctions are sought for violation of same. In all cases where a Final Injunction for Protection is entered for protection against domestic violence, or where a person is found guilty of, has had adjudication withheld, or has pled nolo contendere to a crime of domestic violence as defined in section 741.28, Florida Statutes, and the Court finds that a batterer's intervention program is appropriate, that person shall be required to attend and timely complete a Certified Batterer's Intervention Program, pursuant to the provisions of Sections 741.30(6)(a)5, 740.30(6)(d), and 741.281, as set forth herein. Completion of a Certified Batterer's Intervention Program, as stated herein, is pursuant to the provisions of Sections 741.30(6)(a)5, 741.30(6)(d), and 741.281; and

2) All parties to whom this requirement applies and for whom the court has found that the program is appropriate shall be responsible for enrolling in and completing such program, and for paying the required fee as established by the providing agency. The participant shall ensure that a Certificate of Completion is filed with the Clerk of the Circuit Court (in injunction cases) or with the Probation Officer (in criminal cases) immediately upon completion thereof. Failure to comply with this provision, and to ensure filing of proof of enrollment and satisfactory completion may result in issuance of a show cause for contempt of court, or a Violation of Probation (VOP) order against those parties not in compliance. Credit for compliance with this requirement may be granted upon satisfactory completion of all provisions of the Domestic Violence PTI Program, pursuant to the provisions of Administrative Order H-2001-09, where appropriate; and

3) For civil injunction cases, the Clerk of the Circuit Court for Hernando County shall maintain a list of agencies or services approved by the Court for providing such counseling and education, as set out herein, and shall make the list available to the parties at the time the Final Injunction for Protection is entered, to enable timely enrollment in an approved program. It shall be the responsibility of the Clerk of the Court to assist in informing the parties of this counseling/educational requirement, and to appropriately docket the court records to reflect

completion upon filing of proof of same. Effective October 1, 2001, Batterer's Intervention Programs that are approved by the Court will be certified pursuant to the provisions of Section 741.32, Florida Statutes ; and

4) An agency or service may seek approval for placement on the approved list for Certified Batterer's Intervention Program by advising the Court that they will provide a program that:

a) Is certified pursuant to 741.32 (must be able to provide written proof of certification to the court); and

b) Has the primary purpose of victim safety and the safety of the children, if present; and which holds the batterer accountable for acts of domestic violence; and

c) Is at least 29 weeks in length, which shall include 26 weekly sessions, plus appropriate intake, assessment, and orientation programming; and

d) Is a psycho-educational model program that employs content based on tactics of power and control by one person over another, and addresses the issues of jealousy, communication, control, anger, tension reduction and the cycle of abuse; and

e) Is a program taught by, or under the immediate direction, control and supervision of, a licensed mental health professional; and

f) Provides a varied schedule so that daytime, evening and Saturday classes will be available, where possible, for the parties to choose a convenient time; and

g) Provides a reasonable cost of payment with special consideration given for parties who are indigent; and a means of providing the option of paying in one lump sum, or in installments; and

h) Provides a Certificate of Completion to be filed with the Court by the agency or service upon satisfactory completion; and

5) Any person seeking the protection of an injunctive order may be required to attend an approved counseling/educational program as ordered by the Court, even if the parties subsequently become involved in a dissolution action, or seek dismissal of the injunction, as the provisions of this order are invoked by the violent acts which caused the petitioner to initially seek injunctive relief; and

6) In an effort to ensure that all agencies involved are aware of the occurrence of a

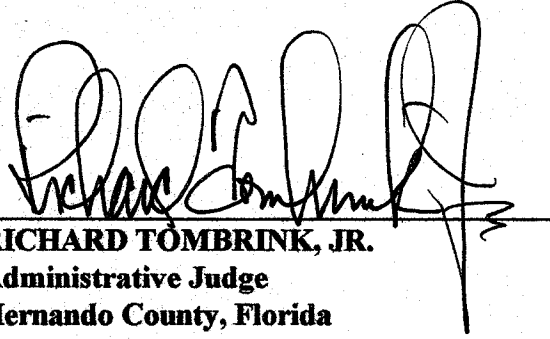
domestic violence incident, effective immediately, when any individual seeks to obtain a restraining order, the office of the Clerk of the Court for Hernando County shall inquire of the petitioner whether the respondent is presently under the confines of any other injunctive order or has ever sought any such court orders dealing with the issues covered by the requested injunction, including previous dissolutions of marriage. Copies of all previous files maintained by the Clerk of the Court of Hernando County, which involve the parties shall be furnished to the presiding judge at the time of the first hearing on the issues covered by any petition for relief; and

7) Monitoring and supervision of participants will generally be through the referring court (either civil or criminal); however, the criminal courts will take precedence, and in the event an individual is referred into such educational program through the civil court, and also is brought before the criminal court for violation of a domestic violence injunction, completion of said educational program shall be included as a provision of probation in the criminal court and shall be monitored by the appropriate probation office as part of the criminal case, and a memo to that effect shall be placed in the civil file; and

8) This Administrative Order shall supersede and replace AO H-95-38A, dated February 23, 2000.

DONE AND ORDERED in Chambers in Brooksville, Hernando County Florida, this

16th day of July, 2001.



RICHARD TOMBRINK, JR.
Administrative Judge
Hernando County, Florida