

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT**  
**IN AND FOR POLK COUNTY, FLORIDA**  
**ADMINISTRATIVE ORDER NO. 5-40.1**  
**STANDARDS FOR COURT-ORDERED DOMESTIC VIOLENCE**  
**EVALUATIONS AND PROGRAMS**

WHEREAS, Judges of the Tenth Judicial Circuit frequently order parties in criminal, juvenile, and family cases to attend programs for treatment for or education about domestic violence; and

WHEREAS, the Court has not previously established criteria or standards for such programs, leaving providers of such programs free to establish their own criteria and standards for program length and content, fees charged, and admission eligibility and suitability; and

WHEREAS, Judges ordering parties to attend programs have had no mechanism for ascertaining pertinent details about individual programs or the applicability of a specific program to the needs of the parties before them, nor have Judges had reliable information about individual parties to determine the appropriate treatment intervention for such individuals; and

WHEREAS, the domestic violence program contemplated by Section 741.32, Florida Statutes, commonly referred to as a "batterer's intervention program" of the "Duluth model", is not a mandatory program except for certain circumstances in domestic violence injunction cases, and its twenty-six week length frequently makes enforcement of court-ordered attendance difficult or impossible within the period of probation authorized for certain offenses, and is not appropriate for all cases involving domestic violence; and

WHEREAS, by entering orders for parties to attend domestic violence programs, the Court is requiring the parties, many of whom have limited financial resources, to pay for the services of the providers of such programs, it is therefore appropriate for the Court to establish standards for length and content of the programs, criteria for suitability of individuals for specific programs, and review of maximum fees to be charged to the parties ordered by the Court to attend; and

WHEREAS, controversy exists over the appropriateness of requiring individuals to attend treatment programs which differ among providers in content and length. For example, it is generally accepted among domestic violence professionals that anger management is not the primary problem which should be addressed when providing treatment for perpetrators of violence in intimate relationships, but anger management programs may still serve a legitimate purpose in some cases. Similarly, the "power and control" premise upon which batterers' intervention programs are often based is the antithesis of the powerlessness-over-alcohol principles of some substance abuse treatment programs; and

WHEREAS, no fool-proof assessment methodology exists for matching individuals and treatment programs, but mental health professionals, by virtue of their specialized education and experience, may be able to assist the Court by conducting a domestic violence evaluation or mental health or psychological evaluation of the individual, upon which the Court can make a determination as to which, if any, program is appropriate for an individual before the Court; however, parties with limited financial resources may not be able to afford extensive evaluations, and mental health professionals cannot be expected to render professional services without just compensation, so it is appropriate to establish standards for a more limited, cost effective "domestic violence evaluation" for use in certain domestic violence cases; and

WHEREAS, the Provider Review Committee (which includes representation from the provider community) of the Domestic Violence Task Force has examined the programs currently provided in the Tenth Judicial Circuit geographic area and has recommended standards for programs and domestic violence evaluation; now, therefore,

It is hereby **ORDERED** as follows:

1. Unless the Court finds that the facts and circumstances of an individual case warrant doing otherwise, all orders for parties in criminal, juvenile, and family court cases to attend domestic violence or anger management programs shall specify one of the programs described in this Administrative Order, or the Court shall order that the party attend and successfully complete a program recommended by a domestic violence evaluation performed in accordance with the requirements of this administrative order.

2. The following treatment intervention programs, as more specifically described in the indicated appendix, are approved for court-ordered attendance in the Tenth Judicial Circuit:

A. **Statutory Batterers Intervention Program**, a twenty-six week, psycho educational course based on the Duluth model. It is presumed to be the program ordered when the party has committed acts of domestic violence in an intimate relationship unless sufficient time for enforcement of the requirement is not available or the Judge has reason to believe it is not appropriate for a particular case based upon the facts presented on the record to the Court.

B. **Anger Management**, an 8-week course that addresses anger control. It is not usually appropriate for intimate relationship violence. This course may be appropriate for persons who have committed acts of violence in a family relationship such as parent-child or brother-sister and for cases in which the perpetrator is neither related to nor in a relationship with victim such as neighbors and strangers. ([Appendix A](#)).

C. **Intermediate Batterers Intervention Program**, a twelve week psycho educational course that combines elements of the Duluth model with anger management principles. This program is appropriate for persons whose violent behavior in intimate relationships is not chronic or severe or who manifest both anger control and "power and control" problems. It is also appropriate for persons who

would otherwise be ordered into the Statutory Batterers Intervention Program but there is insufficient time to enforce and to attend the twenty-six week course. ([Appendix B](#)).

D. **Domestic Violence Education Program**, a 3-hour, 1 evening course conducted by the Clerk of Courts, Polk County, or by an approved provider pursuant to this Administrative Order. It is most appropriate for persons in intimate relationships who will benefit from an introduction to the dynamics of relationship violence. ([Appendix C](#)).

E. **Anger Management Program for Juvenile Offenders**, a program conducted by the Clerk of Courts, Polk County, or by an approved provider pursuant to this administrative order for designated juvenile delinquency cases. ([Appendix D](#)).

F. **Domestic Violence Program for Families when the Offender is a Juvenile**. A 7-week program conducted by the Clerk of Courts Office, Polk County, or by an approved provider pursuant to this administrative order for families in which a juvenile has committed domestic violence against an adult family member. This is a seven week program that involves the entire family. ([Appendix E](#))

G. **Domestic Violence Education Program for Victims** is a 3-hour information education class conducted by the Clerk of Courts Office, Polk County, or by an approved provider pursuant to this Administrative Order designed for the defendant who has been found by the Court or through a domestic violence assessment to have been a victim of domestic violence. ([Appendix F](#))

3. Nothing in this order precludes a Judge from ordering attendance and completion of a program determined by the Judge to be appropriate for the party, facts, and circumstances before the Court in an individual case. The Judge may believe, for example, that sufficient information is available to forego a violence program in favor of substance abuse treatment or that serious mental health issues warrant a psychological evaluation and treatment. Or the Judge may determine that the ends of justice in a particular case may justify accepting a plea agreement which specifies the program the defendant will complete. If the Judge believes that a violence intervention program may be appropriate in a particular case, the Judge may follow one of the following procedures:

A. Order attendance at a course designated by the Judge in the order;

B. Order completion of a domestic violence evaluation and any treatment intervention program recommended in that evaluation; or

C. Order completion of a domestic violence evaluation prior to making a judicial determination of whether a violence intervention program is appropriate for a particular party and if so which program.

4. All domestic violence evaluations ordered by the Judges of this circuit shall be performed in accordance with the standards set forth in [Appendix G](#).

5. The provider review committee of the domestic violence task force in each county in the circuit shall maintain a list of any service providers in their respective county who are qualified to perform domestic violence evaluations and/or conduct programs in accordance with the dictates of this order and who have agreed in writing to be bound by the requirements of this order. The respective provider review committee, through the chair of its domestic violence task force, shall provide the Court Administrator's Office a current list of all such providers and shall update that list as soon as possible when additions to or deletions from the list are made. The County Court Judge assigned to the County Court Domestic Violence Division, and a Circuit Court Judge assigned by the Administrative Judge of the Family Law Division shall be members of the provider review committee. Unless circumstances dictate otherwise, all orders to domestic violence intervention programs and domestic violence evaluations shall be to a provider on the list described in this paragraph. The Department of Corrections, the Department of Juvenile Justice, the Department of Children and Family Services, county probation offices in each county, and the Domestic Violence Coordinator (hereinafter Agency) shall take all necessary precautions to assure that attendance at court-ordered violence intervention programs is successfully completed at a program on the list of providers unless the Judge in an individual case specifically orders attendance at a program not on the list. The providers shall cooperate with any reporting requirements within required time limitations by these agencies. Providers shall give written notice by mail or fax to the agency and, if applicable, to the Judge assigned the case, of a client's voluntary noncompliance with course requirements such as attendance and conduct. The provider review committee shall monitor compliance by providers with the terms of this Administrative Order. A provider who intentionally does not comply with the terms of this Administrative Order shall be taken off the list of service providers by the provider review committee or by Court order. A provider whose actions are subject to this review shall not participate in the decisions regarding his or her actions by the provider review committee.

6. Fees charged to litigants for completion of a court-ordered domestic violence evaluation, attendance at a court-ordered domestic violence intervention program or court-ordered individual counseling session shall be on a sliding scale, depending at least in part on the litigant's ability to pay. Fees for domestic violence evaluations are set forth in Appendix G of this Administrative Order. Fees for group sessions of courses described in this Administrative Order shall not exceed \$25 per session. Except for fees mandated by statute, no other costs shall be assessed for enrollment in or attendance at these group sessions. Fees for court-ordered individual counseling sessions shall be set at costs which are usual and customary for such individual counseling session, with consideration of the litigant's ability to pay as set forth herein. The provider review committee shall annually review providers fees to ensure such fees comply with the terms of this Administrative Order.

7. The provider will notify the referring agency of any treatment needs discovered by the provider while administering Court ordered treatment that are in addition to or are different from those recommended by the initial domestic violence evaluation or ordered by the Court.

Nothing in this order requires any Clerk of Court to provide these courses.

Administrative Order No. 5-40.0 is hereby VACATED.

**DONE AND ORDERED** on this 9th day of July, 2003.

