

Domestic Violence Review



Office of the State Courts Administrator
Office of Court Improvement

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Helpful Web Resources

- [Family Courts](#)
- [DV Benchbook](#)
- [DV Strategic Plan](#)
- [Petitioner Brochures](#)
- [Respondent Brochures](#)
- [DV Civil Injunction Survey Report](#)
- [DV Resources for Court Staff](#)
- [DV Case Management Guidelines](#)
- [Best Practices: Child Support in DV cases](#)
- [Dating Violence Checklist](#)
- [Repeat Violence Checklist](#)
- [Sexual Violence Checklist](#)
- [DV Checklist](#)
- [DV Court Action Plan](#)
- [DV Assessment Final Report](#)

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Virtual Court Available for Continuing Education Credits

The Virtual Court program offers Florida’s domestic violence stakeholders an opportunity to learn about domestic violence proceedings and see the case through the judge’s eyes. The program allows the user to act as judge in a domestic violence simulation. The case is fictitious, but the questions are real questions that judges must grapple with every day. Learn the laws that guide judges’ actions during domestic violence proceedings with our engaging, interactive online program. The program can be accessed at: <http://virtualcourt.flcourts.org>.

The Virtual Court program is approved for up to 1.50 non-conference Domestic Violence CJE credit hours. Judges may apply for Continuing Judicial Education (CJE) credit by emailing a request to CJEMail@flcourts.org or writing to: Court Education Division, Office of the State Courts Administrator, 500 South Duval Street, Tallahassee, Florida 32399-1900 (Attention: CJE Credit). Judges who have completed the program but have not yet requested a certificate of completion may do so by sending an email request to vcsupport@flcourts.org.

The Florida Bar has approved 2.00 hours of general Continuing Legal Education (CLE) credit (including 1.50 hours of Marital and Family Law Certification credit) for the completion of this training module. Individuals are required to post their CLE activity on the Florida Bar website, www.floridabar.org, to receive credit. Please refer to course #19141.

Completion of the Domestic Violence Virtual Court training module can count as 2.0 hours of Domestic Violence Continuing Mediator Education (CME) credit. Individuals are required to keep the information pertaining to the completed virtual court course during the two-year cycle. Individuals will then report the information on the CME Reporting Form included in the renewal packet at the time of renewal, not when the credit is earned. The CME Reporting Form is also available on the Dispute Resolution Center’s [website](#).

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People wishing to contribute to future editions of the “Domestic Violence Review” should contact Andrew Wentzell at Wentzella@flcourts.org.

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News from the Office of Court Improvement

Personnel changes at the Office of Court improvement

The OCI is unfortunate to have lost the services of Austin Newberry and Selina Fleming. Both team members have left the OCI for new, exciting developments, and we hope you will join us in wishing them the best in all their future endeavors.

Upcoming Projects and Events

- **THE OCI WEBINAR SERIES** The Office of Court Improvement is proud to be championing the latest in education services. During the 2013-14 fiscal year, the OCI is offering four (4) webinars devoted to current domestic violence issues; these webinars will be available to any interested stakeholders in Florida. Two (2) of these webinars have already taken place, and will soon be available on OSCA's website, www.flcourts.org. The next webinar is scheduled for February 13th, 2014, from 12 – 1 PM, and will be presented by Robin Thompson, Esq., on the topic of human trafficking and its intersection with domestic violence.
- **THE OCI DOMESTIC VIOLENCE TEAM -- LOOKING AHEAD** The Office of Court Improvement, in conjunction with an incredibly diverse Advisory Group, is in the process of synthesizing the responses to our domestic violence surveys to re-evaluate how goals will be structured for the next several grant cycles. We are very enthusiastic to see what we can do to better assist Florida courts address the problem of domestic violence. Thank you for your help!

GRADUATION LETTER, 12/2013

Written to: NO ABUSE INC.

Editor's note: Ever wonder how effective the Batterers' Intervention Programs really are? The following letter comes to us from the Orange County area. The respondent was ordered to attend a BIP, and took the time after completion to write letters to the judge and BIP staff who

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were involved in his case. Please note, personal information has been redacted to protect the identities of those involved.

My name is _____ and the victim is _____.

All my life violence has been apart of my life. I thought that women were just like children and sometimes they needed to be reprimanded like them as well. My father always said that women should be listening instead of talking when men are talking. I remember my mother taking beatings and my father saying it was her fault for the reason the beatings were happening and after a while I believe it only because my mother would never leave him. My heart always said it was wrong but my mind started to believe it was right.

It was just one other thing that bothered me about the world but I had to except it cause that is the way the world was. You see I thought every house hold has this happening. It was just something people didn't talk about. I was told myself that when I grow up I would never treat my women like this but I was wrong.

I started a relationship with a women who was my best friend. In time I fell in love with her. After a while my insecurities is what started making me abusive. It went from verbal to physical very fast. I thought that because I would hit her for hiding her phone or not telling me where she was going and not because she made me the wrong sandwich that justified my actions. Yet again I was very wrong. My age and my stubbornness landed me in jail many times. Unlike my father jail or prison did not scare me. To me it was teaching me how to adapt. You see no one in my head would stop me from doing what I wanted to do. One thing the judge said just before he sentenced me that stuck because everything else he said was blah blah blah was Mr. _____ you need to learn that there are consequences and repercussions to your actions. The reason you don't jump over this railing and hit me with now is because of consequences and repercussions. You need to feel that everytime you think of hitting Miss _____. The minute he said I thought it was a challenge. That's the way I took it. I thought how many hits could I get in before the bailiffs save him. I thought if he only knew who he was talking to he would slap me with what ever time he could give me. I said to myself what the worse he could give me? I wouldn't kill him so it's not a murder. They would have to open that door some time and when they do he better hope that he's long gone before I get out. I know I can make it in prison. I made it through my father as a kid I can make it in prison as a man. Then I thought if I can stand down now beat the system and go back and follow through with his punishment for doing this to me and mock at the judge with his bullshit speech. So I did. I violated went to jail not prison cause I paid a lawyer. It landed me 4 months in jail and 2 years probation and 26 weeks of some class. I did the 4 months standing on my head. Then I went class and I met a little lady name Miss Joyce. Didn't think much of her at first. I said I will keep my mouth shut for 26 weeks and that will be it. Well she let me know that was not going to happen. Of course I tried to minimize my actions and she ripped me a new one. She pulled out my affidavit and

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my anger grew. I thought how dare she do this to me. I admit I was still not getting it. I hated the class.

Then _____ started the class and when I heard his story I felt this feeling inside. I had met someone with the same problems in there house. But he didn't have his mother in his life anymore and yet his attitude was so much more humble and positive than mine. That is what broke the force field that I had built and made strong for years. I had so much anger built inside that I even punished the ones I loved. Because of his tragedy I allowed and learned the power and control wheel in my life. It helped me see the every thing that this class and Miss Joyce were trying to show me. I say how perfect this system was. The whole coaches and checking made sense. I would like to thank Miss Joyce for putting up with me and being patient. I am a new man because of it. I can finally release that chain that I have been dragging around all my life. I only wish that I could apologize to _____ for all that I've done because she got nothing but pain and suffering from this. I only pray to God for her and his forgiveness.

Thank You.



Caselaw Corner



Touchet v. Jones, ___ So. 3d ___, (Fla. 5th DCA 2013). **INJUNCTION REVERSED IN PART.** A petitioner filed for an injunction against domestic violence against her partner in a same-sex relationship, alleging that the respondent had physically attacked her. The respondent also filed a reciprocal petition for protection against domestic violence against her partner; the court heard the two petitions simultaneously. The trial court granted the initial petition and found that there was “an overwhelming amount of evidence in her favor.” The trial court then ordered the respondent to complete a certified batterers' intervention program and to undergo evaluations for both substance abuse and mental health, and also ordered the petitioner to obtain psychological evaluations for herself and her son to specifically address the issue of why the petitioner kept going back to the respondent. The petitioner filed a motion for stay pending appeal, and the trial court denied the motion. The trial court then issued an order of contempt, threatening to incarcerate the petitioner if she did not comply with the order within thirty (30) days.

The petitioner appealed the part of the order that required her to obtain the psychological evaluations, and argued that the trial court erred by including this in the order. The appellate court agreed. Although s.741.30(6)(a), Florida Statutes, allows the court to order a respondent to participate and pay for treatment, intervention, or counseling services, there is

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no authority under the statute to order the petitioner to undergo an evaluation. The court also noted that the statute is designed to protect victims of domestic violence, and “requiring a victim of domestic violence to undergo a psychological evaluation would impose a substantial financial and emotional burden on the victim and would have a chilling effect on victims of domestic violence seeking the protection of the courts.” Therefore, the court reversed the portion of the order requiring the petitioner to get the evaluations. August 16, 2013.

<http://www.5dca.org/Opinions/Opin2013/081213/5D12-4088.op.pdf>

Dietz v. Dietz, ___ So. 3d ____, 2013 WL 6635844 (Fla. 1st DCA 2013). **INJUNCTION REVERSED.** A temporary injunction was entered ex parte against the respondent; six days later, a full evidentiary hearing was held during which the court heard testimony from the respondent, his mother, and his sister. The trial judge ordered the temporary injunction to continue for six months but stated that he “made no final determination as to the sufficiency of the evidence presented at the hearing.” The court further ordered the parties to return in six months for a status conference. The appellate court reversed the decision and noted that while the statute does allow the trial court to extend a temporary injunction for good cause, it does not allow for a series of temporary injunctions to be issued in lieu of a permanent injunction. Extending the temporary injunction is not permissible unless a continuance is authorized by the Florida Statutes. December 17, 2013.

<http://opinions.1dca.org/written/opinions2013/12-17-2013/13-2098.pdf>



Monitoring Batterers' Intervention Programs: An Ongoing Issue

Florida, like most other states, has a series of standards for monitoring BIPs to ensure that all BIPs are working to provide appropriate treatment and keep victims safe. As the Ninth Circuit DV Task Force has noted, “Monitoring BIPs to ensure that they are adhering to the state standards is critically important to a continued decline in domestic violence incidents.”

As circuits throughout the state attempt to manage the transition between the previous DCF monitoring of BIPs and the new absence of any certifying or monitoring authority by DCF for BIPs, the Orange County DV Task Force has developed a comprehensive plan. By creating a monitoring authority in the Ninth Circuit, the domestic violence community would again have a reliable entity that would oversee BIPs and ensure that they were meeting the standards established in Florida Statute § 741.325 (2013) and DCF’s Minimum Standards. For more information on Orange County’s Monitoring Plan, please read the attached excerpt at the end of this newsletter, reprinted with permission.

For the complete BIP Monitoring Plan, please visit: <http://www.ocdvtf.org/initiatives/>.

MONITORING PLAN FOR THE NINTH JUDICIAL CIRCUIT: BATTERERS' INTERVENTION PROGRAMS

ORANGE COUNTY DOMESTIC VIOLENCE TASK FORCE

Introduction

In April 2011, the Orange County Domestic Violence Task Force was informed that as of July 1, 2012 there would be substantive changes to the monitoring process of Florida's batterers' intervention programs (BIP) if House bill 7093 and Senate bill 2054 were passed and approved by Governor Rick Scott. Specifically, The Department of Children & Families would no longer receive funding to monitor BIPs but the requirements for BIPs and the statutory requirements for the courts to continue ordering offenders to BIPs would remain. Furthermore, the language in the legislation supported monitoring on the local level:

741.32: "Finally, the Legislature recognizes that in order for batterers' intervention 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 government must coordinate their efforts at the community level."

At the June 29, 2011 meeting of the Task Force, this issue was discussed and a sub-committee was formed to develop a community plan to monitor BIPs in the Ninth Judicial Circuit.

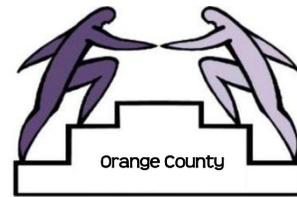
The sub-committee held its first meeting at the conclusion of the Task Force meeting on June 29, 2011. In attendance were: *Dr. Anthony Davis*, Chairman of the Orange County Domestic Violence Task Force, *Carol Wick*, CEO of Harbor House of Central Florida, *Bob Smedley*, Senior Probation Officer with the Domestic Violence Team (Orange County Government), *Laura Williams*, CEO of CourtWatch, *Melanie Ledgerwood*, community volunteer, and *Joyce Pastorek* and *Paula Basil* from the A No Abuse Program Inc. batterers' intervention program. It was decided at this meeting that Mr. Smedley would contact Chief Judge Belvin Perry Jr.'s office and request approval for the sub-committee to develop a plan for local BIP monitoring should the House and Senate bills be passed and approved. (House bill 7093 was ultimately signed into law by Governor Scott on April 20, 2012).

Dr. Davis also sent a letter to Judge Alice Blackwell and Chief Judge Belvin Perry, Jr. on May 6, 2012 expressing the Task Force's concern about the ramifications if the bills were passed. This letter outlined the steps the Task Force was taking to create a local monitoring program for the Ninth Judicial Circuit so that current standards for BIPs would be maintained.

CRIMINAL JUSTICE COMPONENT

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 batterers of domestic violence are held accountable and a change in behavior is attainable.

Monitoring Plan for the Ninth Judicial Circuit Batterers' Intervention Programs



Domestic Violence Task Force

In addition, the Task Force will request that the Chief Judge consider issuing an administrative order requiring judges to solely utilize the current certified batterers' intervention programs for all court referrals.

After receiving approval from Chief Judge Belvin Perry, Jr. to develop a community plan for monitoring BIPs, the sub-committee decided to form a corporation which would be responsible for hiring and overseeing a monitor for BIPs within the Ninth Judicial Circuit.

The monitoring entity was named **Abuse Intervention Monitoring (AIM)**. The sub-committee secured the services of Attorney Mark Blake to incorporate the organization with the intention of then applying for a 501c(3) status at a later date. Aim's mission statement is as follows:

To increase the safety of victims, their families and the community by: monitoring batterer's intervention providers, ensuring that services are quality, ethical, accountable to victims, hold abusers accountable, and meet the requirements of the Florida Batterers' Intervention Standards.

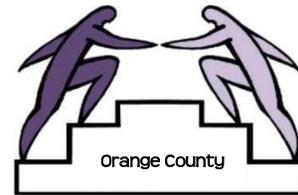
AIM Board Structure

The AIM Board of Directors will be primarily responsible for the mission and operation of the organization, making sure that it is run ethically and legally. The board will be responsible for hiring and supervising the monitoring position as well. Initially, there will be five board members: **Dr. Anthony Davis**, Pastor and Founder of No Limit Ministries and Chairman of the Task Force; **Carol Wick**, CEO of Harbor House; **Donna Hung**, attorney with the Law Office of Donna C. Hung, P.A.; **Joan Reines**, former Director of Development for Give Kids the World and now a community advocate; and **John Hammett**, Circuit 9 Operations Manager for the Department of Children & Families. A brief biography of all board members is included as addendum 3 at the end of the report.

A summary of board member job descriptions is as follows:

- **Chair:** Chief volunteer of AIM, chairs meetings, discusses issues of concern with the board members and the monitor, and monitors financial planning and financial reports;
- **Vice Chair:** Reports to the Chair, performs the Chair's responsibilities when the Chair cannot be present at any board meetings;
- **Secretary:** Manages and distributes board minutes, and maintains all records of board meetings; and
- **Treasurer:** Manages finances of AIM, administrates the fiscal matters of AIM, and ensures board review of financial policies and procedures.

Monitoring Plan for the Ninth Judicial Circuit Batterers' Intervention Programs



Domestic Violence Task Force

Monitor Position Details

The *monitor position* will monitor the current certified BIPs in the Ninth Judicial Circuit to ensure that the programs are adhering to the Department of Children & Family's minimum certification standards. The minimum qualifications for the position are:

- Bachelor's Degree, preferably in social services or administration;
- Two years of experience working with domestic violence survivors or batterers;
- Ability to work with the Board of Directors to develop strategic plans and annual goals and objectives;
- Advanced verbal and written communication skills and excellent communication and management skills;
- Ability to effectively monitor and evaluate organizations providing BIP services;
- Excellent time management skills;
- Ability to work independently and be a self-initiator; and
- Other qualifications as determined by the AIM board.

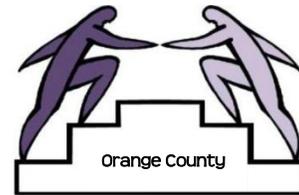
Monitor Training:

- Three-day Power and Control BIP training;
- Domestic violence training through Harbor House of Central Florida, Orange County's domestic violence provider;
- Observation of ten BIP groups; and
- Other training as determined by the AIM board.

Monitor Duties:

- Observe provider BIP groups, both scheduled and un-scheduled, to determine the level of adherence to the minimum certification standards;
- Respond to complaints about BIPs from: referral sources, clients, BIPs, Ninth Judicial Circuit, or other individuals and service providers;
- Review client files semi-annually;
- Attend monthly meetings of the Orange County Domestic Violence Task Force and the AIM board;
- Report monitoring compliance to the AIM board on a monthly basis;
- Assist in preparation of reporting documents on behalf of the AIM board to the Ninth Judicial Circuit and other interested parties; and
- Report to the Board as needed.

Monitoring Plan for the Ninth Judicial Circuit Batterers' Intervention Programs



Domestic Violence Task Force

Quality Assurance

AIM will demonstrate non-profit transparency by demonstrating a willingness to provide information about the nature and activities of AIM, including governance, finance and program details to interested parties. AIM will develop mechanisms to ensure that feedback is given and received by referral sources, BIPs, clients, the judiciary and domestic violence survivors and/or their agents.

Examples of such transparency include:

- AIM will report to the judiciary on a quarterly basis on its activities and monitoring results;
- AIM will develop mechanisms for feedback about BIP services from clients, referral sources, the judiciary, and domestic violence survivors and/or survivor agents on a regular basis;
- AIM will develop a mechanism for all certified BIPs to provide feedback to AIM regarding the monitoring process;
- The AIM board chair will have regular contact with the monitor to ensure that the board is kept abreast of issues and concerns; and
- The AIM board will be provided financial reports on a monthly basis through the AIM treasurer; a yearly audit will be completed by a certified public accountant.

AIM will keep the current Florida Batterers' Intervention Standards in place for one year to ensure adequate time to review and possibly add to the minimum standards required for BIPs. AIM will not certify any new BIPs for one year to allow for AIM to have all systems and procedures in place moving forward.

Plan

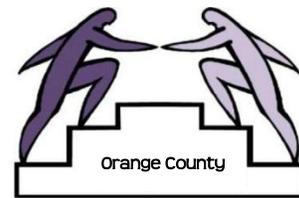
Create a certification and monitoring corporation to be named **Abuse Intervention Monitoring (AIM)**, which would hire a contractual agent to monitor BIPs in the Ninth Judicial Circuit, which includes Orange County and Osceola counties. The process for incorporation of AIM is already underway.

The current \$30 program fee participants pay to a BIP provider would be transferred to AIM along with other annual certification and assessor fees to fund a monitoring position. This important position will be responsible for monitoring BIP providers within the Ninth Judicial Circuit and assisting with tracking program participants and their compliance with a court-ordered BIP.

The current state certification standards for BIPs should be adhered to by any BIP provider operating in the Ninth Judicial Circuit in order to remain a referral source by the court.

A formal request will be made to the Chief Judge of the Ninth Judicial Circuit to issue a new Administrative Order ensuring that the current state certified BIP providers remain the sole referral source for the Ninth Judicial Circuit court system until such time as other BIP providers petition AIM to become a certified BIP referral based on current state standards and are then approved as a referral source.

Monitoring Plan for the Ninth Judicial Circuit Batterers' Intervention Programs



Domestic Violence Task Force

Monitoring Criteria for Certified BIP Providers

Certified BIP providers are required to maintain documentation proving that the standards delineated in the Department of Children & Family Services' Batterer Intervention Certification Minimum Standards are being met.⁹ The Administrative Monitoring Report covers the monitoring process in detail and is very extensive per BIP provider. At the conclusion of the monitoring process each provider is provided with a summary of findings, an exit interview, information on adherence to reporting and fee remittance and correction action if any is required. The Administrative Monitoring Report is listed as addendum 2 at the end of this report.

In addition to the Administrative Monitoring Report, a Group Observation Monitoring Report is completed with the Department observing groups held by certified intervention programs to ascertain whether groups are being conducted in a manner that is consistent with certification standards. A guide is used to assist in the analysis of groups and on occasion, a monitoring team may return to observe a specific group if unsatisfactory at first prior to any action taken against a BIP provider. The Group Observation Monitoring Report is listed as addendum 3 at the end of this report.

Florida House Bill 7093 and Senate Bill 2054

House bill 7093 and Senate bill 2054 sought to amend the duties of the Department of Children & Families as it relates to domestic violence programs. House bill 7093 passed the House on February 15, 2012. The bill was amended by the Senate on March 8, 2012, and subsequently passed the House on March 8, 2012. Senate bill 2054 was laid on the table on March 8, 2012.

House bill 7093 makes statutory changes to conform to the General Appropriations Act (GAA) for fiscal year (FY) 2011-2012; the bill was approved by the Governor on April 20, 2012.

Effective July 1 2012, the Department of Children & Families will cease to operate the certification and monitoring of batterer intervention programs.

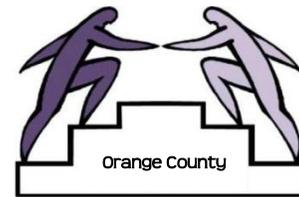
Requirements and authorities eliminated as the result of the bill:

- Requirement for programs and assessors to be certified by the state;
- Authority for programs to collect on behalf of the Department of Children & Families the additional \$30 fee intended for the certification and monitoring of programs; and
- Authority of the Department of Children & Families to promulgate rules to establish requirements and collect fees.

Although the role of the Department of Children & Families as it relates to the regulation of batterer intervention programs will be eliminated on July 1, 2012, many requirements in current law remain the same.

⁹ Chapter 65H-2, Florida Administrative Code

Monitoring Plan for the Ninth Judicial Circuit Batterers' Intervention Programs



Domestic Violence Task Force

Requirements retained:

- Programs shall be at least 29 weeks in length and include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming;
- Program content shall be based on psycho-educational model that addresses tactics of power and control by one person over another;
- Offenders must pay the cost of attending the program to take responsibility for their acts of violence;
- Programs shall be funded by user fees paid by the batterers;
- Applicable only to programs that address the perpetration of violence between intimate partners, spouses, or those who share a child in common or who are cohabitants in intimate relationships for the purpose of exercising power and control by one over the other;
- The court shall order a person found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence to attend and successfully complete a batterer intervention program unless the court determines the person does not qualify and states on the record why the program is inappropriate;
- It is required that the court send batterers to programs as specified in statute 741.30 for the criminal courts and 741.28 for injunctions; and
- The court must provide to the batterer a list of batterer intervention programs from which the batterer must choose a program to attend.

The Department of Children & 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.

Specifically, the department was required to:¹⁰

- Develop criteria for the approval or rejection of certification or funding of domestic violence centers;
- Develop minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers;
- Receive and approve or reject applications for certification of domestic violence centers; and
- Evaluate each certified domestic violence center annually to ensure compliance with the minimum standards.

The Department of Children & Families also has the right to enter and inspect the premises of certified domestic violence centers at any reasonable hour in order to effectively evaluate the state of compliance of these centers.

¹⁰ Section 39.903, Florida Statutes

Monitoring Plan for the Ninth Judicial Circuit Batterers' Intervention Programs



House bill 7093 continues to require that BIP be ordered as defined in Florida Statute 741.28. However, the bills abolish state certification and monitoring of BIPs and abolish any program and personnel requirements with the exception of the current 29 week model. Such model focuses on power and control tactics and is a psycho-educational model.

Consequence of House Bill 7093

With the passage of House bill 7093, any person, group, agency or institution could identify itself as a BIP provider without any license, certification or experience, domestic violence or otherwise. Such programs could theoretically receive referrals for defendants court-ordered to a BIP.

Imperative to ending domestic violence is to ensure that BIP providers have the necessary credentials, experience and hands-on knowledge to ensure program effectiveness and offender compliance with a focus on victim safety. Such a model continues to be a national paradigm for community-coordinated efforts to end domestic violence.

Abuse Intervention Monitoring (AIM) and the Orange County Domestic Violence Task Force feel strongly that certified BIP providers must continue to be the only court-ordered resource for perpetrators of domestic violence.

AIM has positioned itself to take over the important task of monitoring certified BIP providers in Orange and Osceola counties and to be the liaison with the Ninth Judicial Circuit to provide important information and feedback on how the monitoring process is working, as well as other entities that are petitioning AIM and the Task Force to become certified BIP court referrals.