

FLORIDA ASSOCIATION FOR THE TREATMENT OF SEXUAL ABUSERS

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**Legislative Proposal
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Chapter 948**

Introduction

The Florida Association of the Treatment of Sexual Abusers (FATSA) is a state chapter of the Association of the Treatment of Sexual Abusers (ATSA), an international, multi-disciplinary professional organization whose members include the world's leading researchers on sexual violence. FATSA is comprised primarily of mental health professionals who evaluate and treat sex offenders on a daily basis. Our primary goal is community safety. As treatment providers, we have been on the front lines observing the implementation of the special probation conditions for sex offenders legislated in Chapter 948. These conditions have had a significant impact in reducing the opportunities for sex offenders to have easy access to potential victims. However, we have observed that community safety might be enhanced if offenders' contact with children was more clearly defined. We will limit our recommendations to one suggested revision at this time. There are other revisions we will propose if requested.

948.30(1)(e) - Current wording:

"5. If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, no unsupervised contact with a child under the age of 18, unless authorized by the sentencing court without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the sentencing court."

Problem:

This current condition is confusing and implies that unsupervised contact with children is always recommended after successful completion of sex offender treatment. Furthermore, many offenders on probation are being permitted to live with their own children and/or have contact with children prior to a risk assessment being conducted. Research suggests that up to 60% of sex offenders have both adult and child victims, and that 20-30% of sex offenders abuse victims of both genders. It is also well established that sex offenders often have many victims that go undetected, and therefore reported offenses alone are not a reliable method of identifying the abuser's offense patterns or risk factors. Therefore, allowing any sex offender contact with children before an assessment of risk has been conducted by a qualified practitioner can place those children at risk for abuse. We suggest that a qualified practitioner is either a clinical member of the Association for the Treatment of Sexual Abusers (ATSA), or can demonstrate having received significant specialized training in the evaluation and treatment of sex offenders in the previous two years. If contact between offenders and children is allowed, a safety plan should be developed with input from the offender's therapist. The plan should designate appropriate supervisors of contact between the offender and children and outline the conditions of such contact.

Recommendation:

948.30(1)(e). A prohibition on starting or continuing unsupervised contact with a child under the age of 18. The court may approve supervised contact with a child under the age of 18 if:

- a. The supervised contact is in the best interest of the child and does not pose an undue risk to the child;
- b. Recommended by the offender's treatment provider;
- c. A risk assessment has been completed by the offender's treatment provider;
- d. An adult who is responsible for the child's welfare and who has been advised of the crime and approved by the court is present at all times when the offender is with the child; and
- e. Before supervised contact may begin, the responsible adult must collaborate with the offender's therapist in developing and implementing a safety plan which details the acceptable conditions of contact between offender and children.
- f. As used in this subparagraph, the term "qualified practitioner" means a therapist licensed under s. 490.0141, or s. [491.0143](#), or equivalent licensure in another state, who is specially trained to evaluate and treat sex offenders, and who is a clinical member of the Association for the Treatment of Sexual Abusers or has equivalent training and experience.

Also

Section 827.03(3)(d), Florida Statutes, is created to read:

827.03(3)(d) Failure by an adult to supervise sex offense probationer or community controllee and minor.--Any person designated as an "adult responsible for a child's welfare" by the Parole Commission under s. 947.1405(7)(a)5. or by a court under s. 948.03(5)(a)5. for the purpose of supervising a probationer's or community controllee's contact with a child under the age of 18 who fails to be physically present at all times when the community controllee or probationer is having supervised contact with the child under the age of 18, or who otherwise fails to abide by a safety plan, commits a first-degree misdemeanor, punishable as provided in s. 775.082 and s. 775.083.

