

Florida's Family Court

Attending to and helping families and children in crisis are some of the most important things that a judge, attorney, or service provider can do. Effectively resolving problems at the family level can have tremendous long term impact on both the courts and the community in general. The following examples are taken from real cases and they represent the importance of coordinating related cases.

Better Information through Coordination

This family entered the system due to the mother's arrest for a reported domestic violence attack against the father in the presence of the three-year-old child. The father simultaneously filed for a domestic violence injunction and a petition for dissolution of marriage. The mother was charged with criminal assault and battery. The Department of Children and Families filed a dependency petition against the mother.

The cases were all filed within 48 hours of one another, and the father was given custody by ex parte orders in the domestic violence and dissolution of marriage cases. The dependency court, however, gave custody to the maternal grandmother. Two guardians ad litem were appointed, one in the dependency case and one in the dissolution of marriage case. Psychological evaluations were ordered in the criminal action and in the dependency case.

The cases were transferred to the judge hearing all "crossover" cases, using the one family / one judge model (except the criminal case which was coordinated between the judges, attorneys, and the state attorney). At the initial case management conference, the parties agreed on an orderly procedure for all pending matters, including the coordination of discovery. The scheduled criminal court "Arthur" hearing was perceived to be a good opportunity for all to hear the mother's position. The parties agreed to one guardian ad litem and to keep the child placed with the maternal grandmother. All earlier conflicting orders were modified to be consistent.

As more information became available, it was learned that the father had been abusing the mother for years, and that he also abused drugs and alcohol. In fact, the mother's defense in the criminal case relied partly on the theory of battered woman's syndrome. Because these cases were coordinated, this information came to light in a manner that could be acted upon effectively. Due to the more complete information, the initial dependency case plan was changed. The father was added to the dependency petition and services were modified to reflect the new information and the reality of the family situation.

While the parties were completing their case plans, the court granted the final judgment of dissolution of marriage. The criminal domestic violence case against the mother was dismissed. The parties were required to complete their dependency case plans, and if successful, they would then begin a structured custody and time sharing agreement that would remain in effect after the conclusion of the dependency case.

Case Management before One Judge

Another family was simultaneously involved in a dissolution of marriage filed by the husband, a dependency case against the mother and father filed by the Department of Children and Families (it was the mother's fifth child but the father's first child), and shortly thereafter there was a termination of parental rights case filed against the mother. There were earlier closed cases of domestic violence alternately initiated by each parent, and in the remaining open domestic violence case the mother was the respondent.

The father's various court proceedings were not coordinated and were all before different judges. He had to take time off of work to attend a court date nearly every week. Each proceeding took extra time while the father had to re-explain a great deal of family history to each successive judge. By trying to conclude his cases in this manner, the father was missing more and more work, he was losing pay, and was in jeopardy of losing his job altogether. Since the child was placed with the paternal grandparents while the dependency progressed, both parents were ordered to pay child support. With all the different court dates the father needed to attend, the loss in pay was making it very hard for him to keep up with his child support obligations.

The cases were transferred and assigned to one judge, and a case management conference was held. The Department, the father, and the paternal grandparents appeared, but the mother did not. A final injunction of domestic violence was entered at one hearing and at the second hearing which was noticed as a final hearing in the dissolution and a judicial review, a final judgment of dissolution of marriage was entered and the Department agreed that the child should be placed in the custody of the father. Within the appropriate statutory time, there was a termination of supervision and all matters were resolved.

A Less Adversarial Environment

This family came into the system through three cases filed within three weeks of one another: a dissolution of marriage was instituted by the wife, the following week a domestic violence case was filed by the wife against the husband, and one week later a dependency petition was filed on behalf of the four children against both parties. The dependency petition alleged that the mother had abandoned the children. The domestic violence petition and the domestic relations petitions alleged that the father was violent to the mother and, therefore, the mother had to leave town for a day to borrow money from relatives to try to escape with the children. At the time of the filing of the dissolution proceedings, the mother was living in a domestic violence shelter along with the four children.

A guardian ad litem was appointed in the dependency case. This matter was transferred to a judge using the one family / one judge model within a month of all of the filings as a result of a judge in the dissolution case discovering the related cases while conducting a case management conference. Once the transfer occurred, a case management conference addressing all of the family's cases was held. The court and the parties discovered that the children were having difficulty in school, their relative placement was failing, and the parties who had appeared to be indigent actually owned a home. Shortly after the case management conference, an agreed temporary child support order was entered and both parties consented to the dependency. The father also agreed to the entry of the domestic violence injunction. School officials were brought into the case to participate and assist the four children, particularly the oldest who had behavioral and learning problems.

Because all of the parties were present at the case management conferences, it was relatively easy to schedule hearings on property issues that did not need the presence of the guardian ad litem or the Department counsel and in that way resources were conserved.

All parties were advised of the decisions made. In the final resolution, the parties' home was sold and the proceeds were used to repay the Department for the foster care, create an account to fund the children's special needs, and the mother received enough funds to obtain her housing. The children were eventually returned to the parents - by agreement, the two older boys were placed in the father's care and the younger two in the mother's care.

Scheduling hearings that addressed multiple issues simultaneously was convenient for both the parties and the court. At the conclusion of the dependency case, the family's other legal matters were also addressed to ensure that all matters were resolved and resolved consistently. Ultimately the parties in this case were able to settle all pending matters and there was no need for trial in any of the three cases.

