

FILING ORDERS IN RELATED CASES

Background & Analysis:

The court's focus should be on consistency, coordination, and clarity. Generally, the court can enter a single order that addresses and coordinates all related cases. A copy of the order should be filed in all related cases. However, the court may need to enter separate orders when coordinating pending proceedings with criminal, domestic violence, or dependency cases.

For example, a judge may modify the bond conditions in a criminal case to make them consistent with the contact provisions of a domestic violence injunction. While the orders should be consistent in each case, the bond conditions should be in a separate order to maintain the integrity of the criminal proceedings and to provide effective notice of the conditions to law enforcement.

Inconsistent orders can arise when a party to a dissolution of marriage also has an injunction for protection against domestic violence. The typical scenario is of a petitioner with an injunction for protection that prohibits all contact between the parties who then gets a subsequent order in the dissolution case that allows for contact to exchange children for visitation. Clearly, the court needs to be aware of the domestic violence issues between the parties to make decisions regarding visitation and to tailor safe and effective means for exchanging children for visitation. If some contact for visitation purposes is allowed, the court may need to enter an amended injunction for protection that clarifies or modifies the contact the parties may have pursuant to the injunction for protection.

Sometimes an injunction for protection will arise during a pending dissolution of marriage case. Judges should be aware that §61.052(6), Florida Statutes, requires that, "[a]ny injunction for protection against domestic violence arising out of the dissolution of marriage proceeding shall be issued as a separate order in compliance with chapter 741 and shall not be included in the judgment of dissolution of marriage." The separate injunction for protection is filed in national and state crime information systems so it is readily available to other courts and law enforcement.

The court may also need separate orders when coordinating proceedings with a dependency case due to the confidentiality requirements in dependency. For example, the court may enter a separate order for child support under a civil case number to make it easily enforceable by the Department of Revenue.

When dealing with related cases, the best way to ensure consistency among orders is to assign all of a family's related cases to one judge. Assigning all related cases to one judge allows the judge to be fully aware of the family's interconnected cases, and puts the judge in the best position possible to effectively coordinate proceedings and to create consistent and meaningful orders.