

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 5-39.3

IN RE: IMPLEMENTATION OF A MODEL UNIFIED FAMILY

COURT IN THE TENTH JUDICIAL CIRCUIT

WHEREAS, the Florida Supreme Court in In re: Report of the Family Court Steering Committee, 794 So.2d 518 (Fla. 2001), ("Family Courts IV"), directed each circuit to submit a revised local rule or administrative order implementing a unified family court consistent with the recommendations approved by the Court in its opinion; and,

WHEREAS, the Florida Supreme Court, in Family Courts IV, 794 So.2d at 520, directed each circuit to "resolv[e] family disputes in a fair, timely, efficient, and cost-effective manner;" and,

WHEREAS, it is imperative that the Tenth Judicial Circuit avoid entering conflicting court orders in related cases involving the same parties; and,

WHEREAS, it is necessary, to the extent possible, to minimize court appearances by litigants and witnesses involved in related cases involving the same parties; and,

WHEREAS, to maximize judicial resources, it is necessary for the prompt and efficient administration of justice in this circuit that related cases involving the same parties be coordinated; and,

WHEREAS, the Tenth Judicial Circuit encompasses three counties with greatly disparate population sizes, case volumes, resources, and needs; and,

WHEREAS, in an effort for the Tenth Judicial Circuit to facilitate open communication among court staff, judges, attorneys, social service providers, and other community leaders so that the court is made aware of the needs of each community and the resources available within each community, it is necessary to continue the work of the Family Court Advisory Council; and,

It is, therefore,

ORDERED AND ADJUDGED that:

1. Administrative Order No. 5-39.2, entered October 7, 2003, is vacated.

2. **Unification of the Juvenile Division with the Family Law Division.** In order to comply with the directives set forth by the Florida Supreme Court in Family Courts IV, it is necessary to unify the Juvenile Division with the Family Law Division. Therefore, the Juvenile Division will now become a subdivision falling under the Family Law Division. The Juvenile Subdivision shall continue to preside over dependency and delinquency cases (unless it becomes necessary to transfer a case for coordination).

3. **Jurisdiction.** The Family Law Division shall preside over the following types of cases:

dissolution of marriage;

division and distribution of property arising out of a dissolution of marriage;

annulment;

support unconnected with dissolution of marriage;

paternity;

child support;

URES/UIFSA;

custodial care of and access to children;

adoption;

name change;

declaratory judgment actions related to premarital, marital, or postmarital agreements;

civil domestic, repeat, dating, and sexual violence injunctions;

juvenile dependency;

termination of parental rights;

juvenile delinquency;
emancipation of a minor;
CINS/FINS;
Truancy; and
modification and enforcement of orders entered in these cases.

4. Administrative Judges. In Polk County, there is currently an administrative judge for the Family Law Division and a separate administrative judge for the Juvenile Division. Upon unifying with the Family Law Division, the administrative judge of the Juvenile Division will become the administrative judge of the Juvenile Subdivision. The administrative judge of the Juvenile Subdivision shall continue to deal with matters specific to juvenile law and the Juvenile Subdivision (i.e., policy, procedures, etc...). The administrative judge of the Family Law Division shall remain the administrative judge of the Family Law Division and shall oversee and facilitate the Tenth Judicial Circuit's implementation of the directives set forth in Family Law IV.

With regard to Highlands and Hardee Counties, the administrative judge in each county shall continue to be the administrative judge of the Family and Juvenile Divisions.

5. Rotation of Judges. The assignment of judges to the Family Law Division or the Juvenile Subdivision shall be for at least two years. Assignments of judges to the dependency sections shall overlap so that there is always one judge presiding that has been in dependency for at least one year. It is recommended that after serving at least two years in the Family Law Division, that judges then transfer to the Juvenile Subdivision or, after completing two years in the Juvenile Subdivision that the judges transfer to the Family Law Division for an additional two years. However, the Chief Judge has the discretion to make judicial assignments that best serve the interest of the Circuit.

Prior to rotating into the Family Law Division, or within the first 60 days of rotating into the Family Law Division, a judge rotating into the Family Law Division for the first time or a judge who has been absent from the Family Law Division for two years must receive training in the fundamentals of family law, domestic violence, juvenile dependency, and juvenile delinquency.

6. Identification and Coordination of Related Cases. Coordination of related cases shall be based on the coordinated management model as adopted by the Florida Supreme Court in Family Courts IV. In Polk County and Highlands County, the one family-one team model will be used. In Hardee County, where there is only one fulltime circuit judge, the one judge-one family model will be used. Accordingly, many of the items discussed below do not pertain to Hardee County.

7. Related Cases Defined. Generally, related cases are cases involving the same parties (i.e., the parties are parties in each case). If a case is semi-related (i.e., cases where 1 party is a party in each case), it is up to the individual judge's discretion whether it shall be coordinated with otherwise related cases.

8. Case Management. The Florida Supreme Court views case management as an essential element to establishing a model family court. Accordingly, to the extent available through existing resources, case management staff shall develop procedures to identify, review, and evaluate related cases with activity during the previous 18 months. Case management staff may develop an intake sheet, to be filled out by petitioner(s) in every cause of action listed in paragraph 3 above, to help with this task. Implementation of an intake sheet may involve collaboration with the clerk of court of each county.

Once identified and evaluated, case management staff shall notify the assigned judge(s) that a case assigned to them has one or more related cases. The assigned judges shall confer and decide whether to transfer any of the cases to a single judge or to continue coordination of the cases. Case management staff shall monitor the movement and activity in these cases so long as there are multiple related cases having had activity during the previous 18 months.

9. Case Management Staff. The case management staff includes to varying degrees, but is not limited to:

family law case manager;
self help staff;
magistrate(s) staff;
hearing officer(s) staff;
domestic violence coordinator;
family court coordinator;
juvenile administration staff;
family law staff attorney; and
judicial assistants.

10. Assignment of Cases.

A. In Polk County, any action for dissolution of marriage, paternity, child support, child custody, etc..., filed within 18 months after a petition for injunction for protection is filed, and which involves the same parties, shall be assigned by the clerk of court to the same section that the petition for injunction for protection is assigned.

Any petition for injunction for protection, filed within 18 months after any action for dissolution of marriage, paternity, child support, child custody, etc..., and which involves the same parties, shall be assigned by the clerk of court to the same section as the oldest related case having any activity within the preceding 18 months.

When there is not a related injunction action, any action for dissolution of marriage, paternity, child support, child custody, etc..., shall be assigned by the clerk of court to the same section as the oldest related case having had activity within the preceding 18 months.

If all parties are pro se, pursuant to Administrative Order No. 5-24.5, "[u]pon the initial filing of any action in the family law division to which a case number prefix DR is assigned, other than case types DOMV and REVI, the Clerk of Court shall assign to Section 80 any such case in which no party is represented by an attorney." Simultaneously, the clerk of court shall designate another family division section for such case as outlined above. However, the case shall not be assigned to that section at that time. Additionally, if the parties have a related injunction action, the self help staff shall screen the cases to determine if the section 80 case should be heard by the section 80 judge or by the family division section that the case was simultaneously assigned to upon initial filing.

B. In Highlands County, the following types of cases shall be assigned to a judge designated as the Family Law Judge:

1. dissolution of marriage;
2. division and distribution of property arising out of a dissolution of marriage;
3. annulment;
4. support unconnected with dissolution of marriage;
5. paternity;
6. child support;
7. URESA/UIFSA;
8. custodial care of and access to children;
9. adoption;
10. name change;
11. declaratory judgment actions related to premarital, marital, or postmarital agreements;
12. civil domestic, repeat, dating, and sexual violence injunctions; and
13. modification and enforcement of orders entered in these cases.

Additionally, the following types of cases shall be assigned to a judge designated as the Juvenile Law Judge:

- juvenile dependency;
- termination of parental rights;
- juvenile delinquency;
- emancipation of a minor;
- CINS/FINS; and
- truancy; and
- modification and enforcement of orders entered in these cases.

Case management staff shall notify both judges of any potential overlapping cases involving a single family. The judges shall confer and decide whether to transfer any of the overlapping cases to a single judge or to continue coordination of the cases.

C. In Hardee County, there is only one judge that handles all of the types of cases listed in paragraph 3 above.

11. Self Help Program. Pursuant to Administrative Order No. 5-35.0, the Tenth Judicial Circuit established a Family Self-Help Program. The program provides services as outlined in Rule 12.750(c), Florida Family Law Rules of Procedure. Administrative Order No. 5-24.5 provides for the assignment of cases to the self-help program (Section 80).

12. Domestic Violence. In Highlands County, one judge handles all domestic violence and family matters. In Hardee County, one judge handles all matters. With regard to Polk County, Administrative Order No.'s 5-14.01 and 5-34.1 establish the policies and procedures under which the Domestic

Violence Program operates. Specifically, Administrative Order No. 5-34.1 provides that each of the judges assigned to the Family Law Division (excluding those judges assigned to the Juvenile Subdivision), shall preside one day a week in the domestic violence court. Each of the four family law judges will rotate handling intake for petitions for injunctions on the fifth day. Petitions for injunctions for protection shall be assigned as provided in paragraph 10 above.

With regard to case management, the domestic violence coordinator shall review all incoming petitions for injunctions for protection to determine whether there are related cases involving the parties. Prior to the initial hearing on the matter, the coordinator shall conduct a background check on the respondent. A report of the coordinator's findings shall be provided to the court for review. The coordinator shall also review all final injunction orders to determine if monitoring is necessary to assure court ordered compliance with firearms surrender, and class/treatment attendance.

Additionally, at the request of their judge, judicial assistants shall review cases scheduled for hearings before their judge to determine whether the court has issued a related domestic/repeat/dating/sexual violence injunction for protection involving the parties.

13. Domestic Violence Task Force. Administrative Order No. 5-12.1 provides for the establishment of a Domestic Violence Task Force in the Tenth Judicial Circuit. Currently, Polk County and Highlands County have established a Domestic Violence Task Force. The purpose of the task force is to facilitate interagency education, increase interagency communication, develop a local diversionary program, and educate the public about the dynamics of domestic violence (including available resources for victims and protection available under Florida law).

14. Alternative Dispute Resolution. Alternative dispute resolution services are available in Polk County through Tenth Circuit Family and Dependency Mediation Services. Administrative Order No. 5-33.1 outlines the Tenth Circuit Family and Dependency Mediation Services policies and procedures.

Pursuant to Administrative Order No. 5-20.3, mediation is mandatory in all cases in which there remains a disputed issue, unless the court finds that there has been a history of domestic violence that would compromise the mediation process. And, in all cases in which a trial for two (2) or more hours is anticipated, the parties shall attend mediation prior to scheduling the trial unless the court waives mediation. If a party files a motion requesting mediation, the motion shall state whether or not a domestic violence injunction for protection exists between the parties and/or whether the parties have a history of domestic violence that would compromise the mediation process.

Any request for mediation made directly to Family Mediation shall be reviewed by their staff to determine whether a domestic violence injunction for protection exists between the parties. If so, the judge assigned to the case in which the party is seeking to mediate must approve the request for mediation.

15. Magistrates/Hearing Officers. The Tenth Judicial Circuit Court Family Law Division currently utilizes magistrates for the purpose of hearing dependency cases and *pro se* family law cases (section 80 cases), and hearing officers for the purpose of hearing Title IV-D child support cases, along with other related matters.

16. Supervised Visitation. A supervised visitation center, New Foundations, is located in the Polk County Courthouse. Unfortunately, due to the lack of resources, supervised visitation centers are not available in the Hardee County Courthouse or the Highlands County Courthouse. In some cases, supervised visitation is available in the counties through social service organizations. Otherwise, the parties must make arrangements for a third party to supervise visitation.

17. Parenting Education. Pursuant to §61.21(3), Florida Statutes, "[a]ll parties to a dissolution of marriage proceeding with minor children or a paternity action which involves issues of parental responsibility shall be required to complete the Parent Education and Family Stabilization Course prior to the entry by the court of a final judgment. The court may excuse a party from attending the parenting course for good cause."

The Parent Education and Family Stabilization Course offered by the Tenth Circuit Family and Dependency Mediation Services shall address dissolution, custody, visitation, and shared parental responsibility. The topics to be covered are as follows:

a. How families experience divorce;

Typical reactions of children;

Developmental needs of children;

Skills that help children cope;

Pitfalls to avoid.

Failure to attend and complete the Parent Education and Family Stabilization Course may result in the Court's dismissal of the action, striking of the pleadings, or other appropriate sanctions.

18. Counseling Services/Treatment Programs. The Court often orders counseling services/treatment programs. The Court Administrator's Office maintains a list of court approved counselors and treatment providers. Administrative Order No. 5-40.1 outlines standards for court-ordered domestic violence evaluations and programs. As resources permit, staff monitors compliance with any court ordered counseling services/treatment programs.

19. Security. Administrative Order No.'s 1-12.6, 1-20.8, and 1-33.2 outline the Tenth Judicial Circuit Court's written security procedures for each county courthouse that makes up the Tenth Judicial Circuit Court. In addition, each of the counties making up the Tenth Judicial Circuit has a Security Committee that monitors safety and security procedures for each courthouse. This is a collaborative effort between the Court and local law enforcement.

Specific to the Family Law Division in Polk County, due to the inherent nature of domestic violence cases, all domestic violence hearings are held in a courtroom rather than a hearing room unless otherwise ordered by the presiding judge. At least two bailiffs are present with the presiding judge at all times.

20. **Technology.** Information used for case management and coordination is accessible through technology provided by the clerk of courts. This technology is available to the public, on a more limited basis, through the internet. The Court is also equipped to allow teleconferencing, the appearance of witnesses by electronic means, and electronic court reporting. The Court's Technology Officer and the Technology Oversight Committee continuously monitor the Court's technology needs.

21. **Family Court Advisory Council.** Administrative Order No. 5-38.1 established the Family Court Advisory Council, which is chaired by the Family Law Administrative Judge. The council facilitates open communication among court staff, judges, attorneys, social service providers, and other community leaders so that the court is made aware of the needs of each community and the resources available within each community. Additionally, the council is tasked with the job of initiating and facilitating the formation of an Association of Family Court Professionals.

ORDERED on this 23rd day of June, 2005.

Ronald A. Herring

Chief Judge