IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER NO. 2015 - 002

UNIFIED FAMILY COURT

WHEREAS, the Third Judicial Circuit is committed to developing a fully integrated, comprehensive approach to handling all cases involving children and families;[1] and

WHEREAS, the Supreme Court of Florida has adopted the following guiding principles as a foundation for defining and implementing a model family court:[2]

Children should live in safe and permanent homes;

The needs and best interests of children should be the primary consideration of any family court;

All persons, whether children or adults, should be treated with objectivity, sensitivity, dignity and respect;

Cases involving inter-related family law issues should be consolidated or coordinated to maximize the use of court resources in order to avoid conflicting decisions and to minimize inconvenience to families;

Family court processes should address a family's inter-related legal and non-legal problems, empower them through skills development, assist them to resolve their own disputes, provide them access to appropriate services, and offer a variety of dispute resolution forums where they can resolve problems without additional emotional trauma;

Whenever possible, families and their attorneys should be empowered to select processes for addressing issues in their cases that are compatible with the family's needs, financial circumstances, and legal requirements;

Judges are responsible for managing their cases with due consideration of the needs of the families, the litigants, and the issues presented by the cases;

Judges should manage their cases in a manner that conserves judicial resources and diverts cases to non-judicial and quasi-judicial personnel for resolution, when appropriate and consistent with the ends of justice;

Courts must coordinate and maximize court resources, and they must establish linkages with community resources;

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[1] In re: Report of the Commission on Family Courts, 633 So.2D 14, 17 (Fla. 1994).

[2] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 522 (Fla. 2001).

The court's role in restructuring families is to identify services and craft solutions that are appropriate for long-term stability and that minimize the need for subsequent court action;

Court services should be available to litigants at a reasonable cost and should be accessible without economic discrimination; and

Courts should have well-trained and highly motivated judicial and non-judicial personnel.

NOW, THEREFORE, pursuant to the authority vested in me as the Chief Judge of the Third Judicial Circuit, in order to establish a Family Division that will meet the requirements of the Florida Supreme Court as articulated in In re: Report of the Family Court Steering Committee, 794 So.2d 518 (Fla. 2001), and to serve better the needs of the citizens of the state of Florida, it is hereby **ORDERED** as follows:

I. SCOPE

The Family Division of the Third Judicial Circuit shall include, at a minimum, the types of cases specified by the Family Court Steering Committee,[3] as well as those deemed appropriate for inclusion as follows:

A. Dissolution of marriage;
B. Division and distribution of property arising out of a dissolution of marriage;
C. Annulment;
D. Support unconnected with dissolution of marriage;
E. Paternity;
F. Child support;
G. URESA/UIFSA;
H. Custodial care of children and access to children;
I. Adoptions authorized in Chapter 63, Florida Statutes;
J. Name change;
K. Declaratory judgment actions related to premarital, marital, or post-marital agreements;
L. Domestic, dating, sexual, and repeat violence, and stalking injunctions;
M. Termination of parental rights as authorized in Chapter 63, Florida Statutes;
N. Emancipation of a minor;
O. Delayed certificate of birth;
P. Modification and enforcement of orders entered in Family Division cases;
Q. Dependency;
R. Termination of parental rights;
S. Juvenile delinquency;
T. Children in Need of Services/Families in Need of Services;
U. Truancy;
V. Specialty courts, including juvenile drug court and dependency drug court.

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[3] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 525 (Fla. 2001).

II. ADMINISTRATIVE FAMILY LAW JUDGE

Pursuant to Rule 2.050(b)(5), Rules of Judicial Administration, an administrative judge for the Family Division shall be designated to oversee and coordinate the Third Judicial Circuit's comprehensive response to children and families in litigation.[4] The Administrative Family Judge will manage the Family Division and be responsible for:[5]

A. Monitoring and updating this comprehensive plan for implementation of the family court concept;

B. Monitoring and updating policy, operating procedures, and administrative orders for the implementation of the circuit's family court plan;

C. Coordinating the development of resources that may be required by family courts, (e.g., guardian ad litem, mediation services, drug referral and treatment,[6] custody evaluations/home studies, parent coordinating services, etc.) and assessing the possible integration of cases regarding involuntary treatment and placements because of drug/alcohol dependency or mental illness, and as appropriate, guardianships;

D. Developing and facilitating communications with court-related entities regarding policy with respect to family cases, including but not limited to state attorneys, public defenders, the Department of Children and Families, the Department of Revenue, community social services entities, clerk of courts, and law enforcement agencies; and

E. Developing a means of orienting newly assigned Family Division judges to the concept of integrating the court's response to cases involving the same family, including directing them to appropriate initial and continuing judicial education offerings and reference material.

F. Conducting a minimum of two (2) FLAG meetings annually.

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[4] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 532 (Fla. 2001) ("Although we endorse the principle embodied in these recommendations, we decline to mandate the appointment of [a single] administrative family court judge. Instead, we leave it to each circuit to devise a plan for coordination of cases within the family division to achieve the goals of the model family court.").

[5] *See*, In re: Report of the Commission of Family Courts, 633 So.2d 14, 17-18 (Fla. 1994) ("An administrative judge must be appointed in each circuit to be directly responsible for administratively managing the family divisions.").

[6] Drug referral and treatment are referred to the Third Circuit Drug Court, established by Administrative Order 2005-009.

III. UNIFIED FAMILY COURT DIVISION

In the Third Circuit, there shall be a Unified Family Court Division, which shall include cases in which a litigant is a party to a pending dependency proceeding and one or more additional Family Division cases. In each county, the judge assigned as the juvenile dependency judge shall be the presiding judge of the Unified Family Court Division.

IV. ROTATION OF JUDGES

In order to ensure that Family Division judges are experienced in family law matters,[7] and to ensure that continuity and consistency can be maintained in the Family Division, the periodic rotation of judges shall not cause the reassignment of more than one-half of the Family Division judges during any one year. In order to encourage the retention of Family Division judges who are committed to the welfare of children and families, judges may request that the Chief Judge consider assigning them to additional consecutive terms or permanency in the Family Division.

Judges who are assigned to the Family Division for the first time, or who have not served in the Family Division for two years, should receive mandatory training in the fundamentals of family law and domestic violence before assuming the assignment, or within sixty (60) days after assuming the assignment, or as soon as said training is available.[8] Such training may be obtained at meetings of the Conference of Circuit Judges, at the College of Advanced Judicial Studies, or at the Florida Bar Family Law Certification Review course. The Chief Judge will ensure that these judges have this opportunity.

It is the policy of the Third Judicial Circuit to ensure that all judges receive proper orientation and are well-prepared to undertake their judicial assignments. Therefore, the administrative judge will designate an experienced Family Division judge to function as a mentor to judges entering the division.

V. ESSENTIAL ELEMENTS[9]

A. CASE MANAGEMENT

With the assistance of the Family Court Support Unit in self-help cases, the Family Division judges shall assess, differentiate, and monitor the resources needed for handling cases, identify all collateral cases affecting the parties involved, monitor the movement of cases through the judicial process, and dispose of cases in a timely manner.

Self-help case management shall include:[10]

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[7] Recommendation of the Family Court Steering Committee.

[8] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 532 (Fla. 2001).

[9] *See*, In re: Report of the Family Court Steering Committee, 794 So. 2d 518 (Fla. 2001). ("We wholeheartedly endorse each of these essential elements to the successful function of the model family court.").

1. initial review and evaluation of cases, including assignment of cases to court divisions or dockets;
2. case monitoring, tracking and coordination;
3. scheduling of judicial events; and
4. referral to services, and coordination, monitoring, and tracking of cases within the Family Division.

B. SELF-HELP

The judges of the Third Judicial Circuit shall ensure that self-help programs provide Florida Supreme Court approved forms, instructions, definitions, and procedural information to persons who choose to represent themselves, consistent with Rule 12.750, Florida Family Law Rules of Procedure. As part of its intake function, the clerks of the circuit court shall provide ministerial assistance to pro se litigants. Such assistance shall not include providing legal advice.[11]

Pro se letters shall be forwarded to the Family Court Support Unit to advise the litigant of the availability of Supreme Court approved forms. All forms which are not either Supreme Court approved or forms approved by the Chief Judge of the Third Judicial Circuit shall be discarded.

C. DOMESTIC VIOLENCE

(1) Petitions for Temporary Injunctions

The Administrative Family Judge shall consult with other judges within the Family Division and develop a procedure which ensures that Petitions for Injunction For Protection (including repeat violence, dating violence, and sexual violence, and stalking) are identified and managed in a manner that is organized, timely and sensitive to the special dynamics involved in these cases.[12] The procedure shall comply with the requirements of Florida Family Law Rule of Procedure 12.610. Every effort shall be made to identify all Family Division cases in which domestic violence is an issue.

The review of Petitions for Injunction For Protection shall be a priority for the Family Division. When there is a corresponding Unified Family Court case, the domestic violence petition shall be referred to the Unified Family Court judge when possible.

Petitions for Injunction For Protection shall be delivered to the assigned judge (or circuit-wide back-up judge) along with the style and case number of any known open related cases. Judges who review petitions for injunctions for protection shall carefully apply the standard of proof stated in Chapter 741, Florida Statutes. The judge's judicial assistant or the deputy clerk will

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[10] *See*, Amendments to section 29.004, Florida Statutes, in House Bill 113A, section 40.

[11] *See*, Amendments to section 28.215, Florida Statutes in House Bill 113A, section 27.

[12] In re: Report of the Family Court Steering Committee, 794 So.2d 518, 526 (Fla. 2001).

prepare any necessary orders. Whenever possible, all temporary injunctions will be processed by the Court and the Clerk's office on the same day the petition is filed.

(2) Return hearings

Unless a temporary injunction is denied, a return hearing shall be set before the Judge handling related Family Division cases for the same parties. When the court has ruled on the petition, all relevant sections of the order shall be completed and the order shall be signed. If available, copies shall be provided to the petitioner and respondent at that time. Otherwise, the order will be provided to the Sheriff's office for service upon the respondent and the petitioner will be mailed a copy (and directed to pick-up copies from the Clerk of Court).

D. ALTERNATIVE DISPUTE RESOLUTION

It is the policy of the Third Judicial Circuit to make maximum use of alternative dispute resolution ("ADR") of family matters and issues as authorized by sections 44.102, Florida Statutes, and Florida Family Law Rules of Procedure 12.740 and 12.741.

Any case within the Family Division involving family matters and issues in which the parties are adversely litigating parenting time or related child issues, child support, equitable distribution, or alimony, the parties are required to attend family mediation unless otherwise exempted by statute, rule, or court order. The policies and procedures regarding family mediation in the Third Circuit are set forth in Administrative Order 2009-001 —> newest?

The ADR program will screen cases for issues of domestic violence and will determine how best to handle these issues.

E. GUARDIAN AD LITEM

The Guardian ad Litem (GAL) Program currently provides services only in dependency cases. The Third Judicial Circuit will coordinate with the GAL Program to ensure representation of the best interests of children involved in dependency cases involving allegations of abuse, abandonment, or neglect. In other Family Divisions cases, the judges of the Third Circuit may appoint qualified persons to serve as guardians when necessary or appropriate. Such persons will be compensated by the parties when feasible or will act as pro bono volunteers.

F. MAGISTRATES AND CHILD SUPPORT HEARING OFFICERS

General Magistrates may be utilized to supplement the work of judges within the Family Division when a presiding judge determines that referral of a case is appropriate and consent of the parties is obtained.[13] Child Support Hearing Officers may be utilized to supplement the work of judges within the Family Division when a presiding judge determines that referral of a case is appropriate and falls within the scope of the federally funded position.

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[13] Report of the Family Court Steering Committee, 2000-2002 Appendix A.

G. CUSTODY AND OTHER EVALUATIONS

In domestic relations cases in which it is particularly difficult to determine the best interests of the child, the court may appoint a custody evaluator. When such appointments are made, it is the policy of the Third Judicial Circuit to use appropriately credentialed custody evaluators. Judges may order evaluators to conduct court-ordered custody evaluations, including interviews of the parties, interviews of children, observation of parent-child interactions, and background investigations of parties. The cost of these evaluations will be paid by the parties.

H. SUPERVISED VISITATION

The Administrative Family Judge, or his or her designee, shall maintain a list of supervised visitation centers in the Third Circuit and verify on an annual basis that the minimum standards for visitation centers as set forth by the Florida Supreme Court are met.

I. PARENTING EDUCATION

Pursuant to Section 61.21, Florida Statutes, all 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 a parent education and family stabilization course prior to the entry of a final judgment in their case. Generally, this requirement may be satisfied by enrollment in an internet course or other such long distance learning course due to the limited availability of classroom programs. The Florida Department of Children and Families is responsible for approving all classes offered pursuant to this section.

J. COUNSELING SERVICES/TREATMENT PROGRAMS

Under the leadership of the Administrative Family Judge, and in consultation with the Family Division judges, Family Division staff and community service providers, the Third Judicial Circuit will develop strategies to ensure availability of counseling services and treatment programs to litigants in the Family Division. At a minimum, such strategies shall ensure the availability of crisis intervention and long-term counseling/treatment programs. Additionally, the strategies shall ensure that compliance is monitored when such services are court-ordered.[14]

K. SECURITY

Judges in the Family Division are aware of the special security issues attendant to family law matters. The Chief Judge and the Administrative Family Law Judge shall collaborate with relevant stakeholders and the Courthouse Security Committee to develop a plan which provides security personnel and equipment which are adequate to ensure that the work of the Family Division is conducted in environments that provide safety to judges, judicial staff, non-judicial staff, and the public.[15]

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[14] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 526 (Fla. 2001).

[15] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 526 (Fla. 2001).

The Chief Judge, the Administrative Family Law Judge, and the Sheriff shall develop safety procedures for domestic violence cases that include separating petitioners and respondents before the hearing, monitoring hallways outside the courtroom, and providing staggered departure times for the parties when an injunction is entered.

L. TECHNOLOGY

The Third Judicial Circuit shall use available technology to access information essential to case management and coordination, to generate statistical reports, to provide public and inter-agency access to records, and to allow teleconferencing and the appearance of witnesses by electronic means.[16]

M. PARENTING COORDINATORS

In domestic relations cases in which parents continue to request judicial intervention in disputes after the entry of an initial final judgment, the court may refer the parties to a parenting coordinator. When such referrals are made, it is the policy of the Third Judicial Circuit to use appropriately credentialed mental health professionals. Parent coordinators shall be mental health professionals with either a masters or doctorate degree, and shall be certified family mediators. The person acting as the parenting coordinator in a case may not perform a custody evaluation in the same case.

VI. IDENTIFICATION AND COORDINATION OF RELATED CASES

The Third Judicial Circuit's plan for coordination of cases is based on the coordinated management model adopted by the Florida Supreme Court[17] and is designed to take into account the individual needs and resources within the circuit and within each county in the circuit. The circuit will strive for the one family-one judge (or in the alternative one family -one team of judges) model throughout the circuit. It cannot be overemphasized, however, that Rule 12.003 of the Family Law Rules, mandates that all related family cases must be handled by one judge unless impractical. Additionally, the coordination of related family cases and hearings shall be in accordance with Rule 12.004.

Pursuant to Florida Rule of Judicial Administration 2.545(d), every party filing a case in the Family Division must also file a Notice of Related Cases "if related cases are known...." In order to more fully insure that any known cases involving the parties are considered, the Third Circuit has implemented an Administrative Rule which requires the filing of such notice in all family cases. The Clerk and/or case manager will assist the court in providing complete information about known cases.

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[16] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 526 (Fla. 2001).

[17] In re: report of the Family Court Steering Committee, 794 So.2d 518, 528 (Fla. 2001).

In identifying related cases, the Third Circuit recognizes that many family cases involve individuals and issues that are interrelated, but do not involve a family[18] relationship or children. A Family Division judge or case manager will determine whether any of the parties or children, have pending or closed Family Division cases. If they have such cases, the court will decide whether all or some of the cases should be assigned to the Unified Family Court judge in order to conserve judicial resources, avoid inconsistent court orders, and eliminate multiple court appearances on the same issue.

A. ASSIGNMENT OF CROSSOVER CASES

In all instances in which a litigant is a party to a pending dependency case and another related Family Division case, the related case may be assigned or transferred to the Unified Family Court Division.

In all instances in which a litigant is a party to two or more related pending Family Division cases, none of which is a dependency case, the cases shall be assigned or transferred to the Judge with the most familiarity by entry of an UFC Assignment Order. When judges involved determine it is unnecessary or impractical to assign all pending cases to the same judge, the judges will exchange information so that each judge involved with the family is aware of other pleadings and issues being addressed. The case manager in pro se cases will help provide continuity.

When a petition for protection (including repeat violence, dating violence, and sexual violence or stalking) is filed and another Family Division case is pending, the case shall be assigned to the division to which the pending family case is assigned. Each Family Division judge will have a time set to hold return hearings within the required time standard. Petitions for protection filed when there are no other pending family cases shall be assigned to the DV judge.

"Pending" shall be defined for the purpose of this order as any Family Division case over which the court has jurisdiction. This paragraph shall not be construed, however, to prevent child support hearing officers from hearing any Title IV-D or Title IV-D eligible child support proceedings that otherwise would be heard by the hearing officer, notwithstanding that any party or child therein is also involved in a related Family Division case.

Upon notification by a judge or judge's designee, the Clerk shall conjoin and transfer a case from one division to another to accomplish the goals of the Unified Family Court.

B. DOMESTIC VIOLENCE CASES

One judge from each county will be assigned as the domestic violence judge for that county. That judge will have the primary responsibility for reviewing and acting on all petitions seeking an injunction for protection against domestic violence, repeat violence, dating violence,

[18] Pursuant to chapter 39 and 985, Florida Statutes, "family"is defined as a collective body of persons, consisting of a child and parent, legal custodian, or adult relative, in which: (a) The persons reside in the same house or living unit; or (b) The parent, legal custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

sexual violence, or stalking except those that have a corresponding Unified Family Court case. However, in deciding whether or not to grant temporary injunctive relief, the judge must consider the written petition on an ex parte basis.

The domestic violence judge is also assigned the responsibility for conducting evidentiary hearings to consider whether to enter final injunctions for protection in all cases in which there is not already a pending family law case involving the same parties. It is that judge's responsibility to grant or deny the injunction on the claims raised in the petition for the injunction, including claims for child custody and exclusive use of a marital residence. Parties may be referred to mediation pursuant to Florida Family Law Rule of Procedure 12.610(c)(1)(C).

C. JUDICIAL DISCRETION

Upon discovery of the existence of multiple pending related cases, not otherwise subject to the provisions above regarding dependency cross-over, judges shall confer to determine the best way to address the pending issues in such cases. The assigned judges shall confer to determine how to coordinate the cases, including which division shall take precedence in managing the cases and determining issues, whether one case shall proceed while another is inactive or abated, and how judicial labor should be divided. In making such determinations, the following guidelines should be considered:

1. Which judge has been assigned to the case longest, and which judge has been the most active and is most familiar with the family and/or its issues;

2. Whether one of the cases is active or closed;

3. Whether there are ongoing financial issues, other than child support between the parties; and

4. Whether there are ongoing dependency issues which are being addressed by the Juvenile Division of the court as required by law.

VII. FAMILY LAW ADVISORY GROUP[19]

The success of the Family Division is dependent upon effective communication among all stakeholders, both in the judicial system and in the community. The Administrative Family Judge shall oversee the Family Law Advisory Group for the Third Judicial Circuit.

VIII. REGIONAL COUNTIES

This Administrative Order does not establish a separate Family Division in any individual county. Each county will make every effort to utilize the coordinated management model adopted

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[19] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 534 (Fla. 2001) (mandating the establishment of a Family Law Advisory Group in each circuit).

by the Florida Supreme Court,[20] taking into account the individual needs and resources of litigants and the court within each county. The essential elements identified by the Family Court Steering Committee will be utilized when available and appropriate.[21] The cross-over provisions of this order may not apply in each county, but judges are encouraged to adopt similar procedures for the coordination of Family Division cases.

This Administrative Order shall become effective upon being signed.

ORDERED in Taylor County, Florida, this 12 day of March 2015.

GREGORY S. PARKER, CHIEF JUDGE

Copies:
All Third Judicial Circuit Judges
All Third Judicial Circuit Judicial Assistants
All Third Judicial Circuit Clerks of Court
Third Circuit Bar Association (for distribution among membership)

[20] In re: Report of the Family Court Steering Committee, 794 So.2d 518, 528 (Fla. 2001).

[21] *See*, In re: Report of the Family Court Steering Committee, 794 So.2d 518, 532 (Fla. 2001).