ADMINISTRATIVE ORDER
NO. 2005-16-08

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR OSCEOLA COUNTY, FLORIDA

AMENDED ORDER GOVERNING UNIFIED FAMILY COURT AND THE ASSIGNMENT AND SCHEDULING OF DOMESTIC RELATIONS AND JUVENILE CASES, OSCEOLA COUNTY

WHEREAS, it is not unusual for parties in domestic relations and juvenile cases to have multiple cases pending in the Domestic Relations and Juvenile Divisions of the Circuit Court that are assigned to different subdivisions; and

WHEREAS, for purposes of judicial economy, it is frequently requested that these cases be reassigned to a single judge for purposes of case disposition; and

WHEREAS, in the process of establishing a Unified Family Court in Osceola County, the expenditure of substantial legal and judicial labor has been necessitated by the preparation, filing, and processing of motions and orders to accomplish reassignment in the past, which could be avoided through the authority of an administrative order to permit such cases to be automatically reassigned by the Clerk of Court; and

WHEREAS, in an effort to achieve the ultimate goal of creating a fully integrated comprehensive approach to handling all cases involving families and children as fully as possible given current limitations and abilities, each unified family court subdivision judge shall maintain a detailed schedule which shall be provided to and followed by the Clerk;

NOW, THEREFORE, I, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit, pursuant to Florida Rule of Judicial Administration 2.215, order the following, effective immediately, unless otherwise provided herein, and to continue until further order:

1. For purposes of this Administrative Order, the following definitions apply:

a. A **"related case"** shall be defined as any pending Unified Family Court domestic relations, domestic violence, or juvenile case in which the parties or children are the same as the parties or children appearing in the newly filed domestic relations, domestic violence, or juvenile case.

b. A **"pending domestic relations case"** shall be defined as any open domestic relations case in which no final judgment has been entered or, where a domestic relations case has been finalized but later re-opened by motion or supplemental petition, any re-opened domestic relations case where the court has not entered a final order or supplemental final judgment.

c. A **"pending domestic violence case"** shall be defined as any open domestic violence case in which no final judgment has been entered or, where a domestic violence case has been finalized but later re-opened by motion or supplemental petition, any re-opened domestic violence case where the court has not entered a final order or supplemental final judgment.

d. A **"pending juvenile dependency case"** shall be defined as any juvenile dependency case where neither the Dependency Court's supervision nor jurisdiction has been terminated.

e. A **"pending juvenile delinquency case"** shall be defined as any open juvenile delinquency case in which no final disposition has been entered.

2. The Clerk of Court shall determine if any "related" cases exist before assigning or reassigning domestic relations, domestic violence, or juvenile cases to any subdivision of the Unified Family Court. To assist with this process, the Department of Children and

Family Services, litigants appearing pro-se, and attorneys are required to file a "Notice of Related Cases" at the same time a new case, supplemental petition, motion requesting a case be re-opened, etc., is filed with the court. All pleadings filed with the court shall include the dates of birth of all children required to be named in the caption of those pleadings and shall be accompanied by a completed coversheet provided by the Clerk of Court. Cases will be assigned to a division only upon receipt of the completed coversheet.

3. With the exception of cases identified in paragraph 1 above, the Clerk of Court shall automatically assign/reassign cases within the Unified Family Court as follows:

a. **Domestic Relations Cases**: The Clerk of Court shall assign all new domestic relations cases that end with an odd case number to Subdivision 40-C, except that where a new domestic relations case is "related" to a pending juvenile dependency case, the new domestic relations case shall be assigned to Subdivision 41-C.

The Clerk of Court shall assign all new domestic relations cases that end with an even case number to Subdivision 30-C, except that where a new domestic relations case is "related" to a pending juvenile dependency case, the new domestic relations case shall be assigned to Subdivision 41-C.

b. **Juvenile Dependency Cases**: The Clerk of Court shall assign/reassign all juvenile dependency cases to Subdivision 41-C. Additionally, if a new juvenile dependency case is filed that has a "related" pending domestic relations case, the new juvenile dependency case shall be assigned to Subdivision 41-C and the "related" domestic relations case shall be reassigned to Subdivision 41-C.

c. **Domestic Violence and Repeat/Sexual/Dating Violence/Stalking Injunction Cases**: All new domestic violence injunction cases and all new repeat/sexual/dating violence/stalking injunction cases shall be assigned on a three-week rotating basis to the subdivision (either Subdivision 30-C, 40-C or 41-C) scheduled to accept such assignments during the week that the new domestic violence or repeat/sexual/dating violence/stalking injunction case is filed. Each domestic violence or repeat/sexual/dating violence/stalking injunction case shall then remain with the judge who signed the temporary injunction or notice of hearing until entry of a final judgment on the domestic violence or repeat/sexual/dating violence/stalking injunction.

After entry of a final judgment on the domestic violence or repeat/sexual/dating violence/stalking injunction, only domestic violence or repeat/sexual/dating violence/stalking injunction cases with a "related" domestic relations case or juvenile dependency case shall be assigned/reassigned to the subdivision assigned the "related" domestic relations or juvenile dependency case.

All repeat/sexual/dating violence/stalking injunction cases that have been extended to future dates shall be heard by the original subdivision (either Subdivision 30-C, 40-C or 41-C) during the week that the extended repeat/sexual/dating violence/stalking is ready to be heard.

d. **Juvenile Delinquency Cases**: The Clerk of Court shall reassign all juvenile delinquency cases that end with an odd case number from Subdivision 30-C and 41-C to Subdivision 40-C. The Clerk of Court shall assign all new juvenile delinquency cases that end with an odd case number to Subdivision 40-C.

The Clerk of Court shall reassign all juvenile delinquency cases that end with an even case number from Subdivisions 40-C and 41-C to Subdivision 30-C. The Clerk of Court shall assign all new juvenile delinquency cases that end with an even case number to Subdivision 30-C.

Where there is an open juvenile delinquency case, any new case filed on the same defendant shall be assigned to the division with the pending juvenile delinquency case. If there is no pending juvenile delinquency case, all new juvenile delinquency cases, regardless of whether the defendant is a repeat offender, shall be assigned to Subdivision 30-C where the case ends with an even case number or 40-C where the case ends with an odd case number.

In the event there is a child with multiple charges and cases that have been opened at the same time, the lowest case number will steer assignment of other cases for the child. The same shall apply to co-defendant cases that are opened at the same time with the lowest case number steering assignment(s).

e. **Juvenile Drug Court Cases**: In an effort to conform with best practices models wherever practicable, and the Ten Key Components of Drug Court Programs as defined by the Nation Association of Drug Court Professionals, all juvenile drug court cases shall be heard every other week beginning with the week of January 12, 2015, and pursuant to the detailed schedule, as maintained by each unified family court subdivision judge and provided to and followed by the Clerk. The Clerk of Court shall assign/reassign all juvenile drug court cases pursuant to the detailed scheduled as provided by each unified family court subdivision judge.

4. Notwithstanding the foregoing, no case shall be reassigned from a subdivision of the Unified Family Court in the following circumstances:

a. Where assignment to a subdivision was the result of an order of recusal; or

b. Where a judge has specifically requested that a case remain within his or her presently assigned subdivision.

5. In an effort to achieve the ultimate goal of creating a fully integrated comprehensive approach to handling all cases involving families and children as fully as possible given current limitations and abilities, each unified family court subdivision judge shall maintain a detailed schedule which shall be provided to and followed by the Clerk.

6. Immediately upon signing and distribution of this Order, all dependency cases that have court dates in January 2015, and beyond must be reset by the Clerk's office to conform with the approved schedule for Subdivision 41-C. Amended notices and/or order rescheduling matters must be prepared and sent out by the Clerk's office.

7. Immediately upon signing and distribution of this Order, any juvenile delinquency matters that may have been extended into January 2015, and beyond must be rescheduled by the Clerk's office to conform with the schedules established for Subdivisions 30-C and 40-C and based upon the even/odd case number assignment established herein. Amended notices and/or orders rescheduling matters must be prepared and sent out by the Clerk's office.

8. Additionally, and immediately upon signing and distribution of this Order, the Clerk of Court shall compile a master list of reassigned cases, by name and by case number, and shall post this list in a conspicuous location for public viewing. It is the duty

of the attorneys in each case to determine if any of his/her cases have been reassigned.

9. The Clerk of Court shall place an Identifier in their database by those cases that have been identified as a "related" case.

10. As previously directed by Administrative Order No. 2014-21, Order Governing Case Assignment Method, Osceola County, the Clerk of Court shall continue to assign all cases in all divisions by division number only so as to prevent confusion and inefficiencies when a judge is assigned to another division.

11. This Order does not preclude any Judge being given an assignment by the Chief Judge of the Ninth Judicial Circuit Court for the proper administration of justice.

12. Administrative Order 2005-16-07 is vacated and set aside.

DONE AND ORDERED at Orlando, Florida, this 12th day of January, 2015.

/s/
Frederick J. Lauten
Chief Judge

Copies provided to:

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Clerk of Court, Orange County
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