**IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA
OFFICE OF THE CHIEF JUDGE
ADMINISTRATIVE ORDER NO. 2004 -01**

IN RE: UNIFIED FAMILY COURT

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

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

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 use of court resources to avoid conflicting decisions and to minimize inconvenience to the families;

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

Whenever possible, parties 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;

The court is responsible for managing its cases with due consideration of the needs of the family, the litigants, and the issues presented by the case;

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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).

There should be a means of differentiating among cases so that judicial resources are conserved and cases are diverted to non-judicial and quasi-judicial personnel for resolution, when appropriate and consistent with the ends of justice;

Trial courts must coordinate and maximize court resources and establish linkages with community resources;

The court's role in family restructuring 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 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 Second Judicial Circuit, in order to meet the requirements of the Florida Supreme court articulated in In re Report of the Family Court Steering Committee, 794 So. 2d 518 (Fla. 2001), and to better serve the needs of the citizens of the state of Florida, it is hereby ORDERED as follows:

I. JURISDICTION

There is hereby created a Family Division of the Second Judicial Circuit, which shall include the following types of cases:[3]

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 and access to children;
I. adoption;
J. name change;
K. declaratory judgment actions related to premarital, marital, or post-marital agreements;
L. civil domestic and repeat violence injunctions;
M. juvenile dependency;
N. termination of parental rights;

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

O. juvenile delinquency;
P. emancipation of a minor;
Q. CINS/FINS;
R. truancy; and
S. modification and enforcement of orders entered in these cases.

II. ADMINISTRATIVE FAMILY LAW JUDGES

The Chief Judge shall designate for each county of the circuit an administrative judge for the Family Division of that county. The administrative judges shall work together to ensure coordination of cases and utilization of resources. Each Administrative Family Judge will manage the Family Division for his/her county and shall coordinate and develop the overall operation of the Family Division in their respective counties and implementation of the family court concept.

III. ROTATION OF JUDGES

Judges shall be assigned to the Family Division on a rotation determined by the Chief Judge.

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, domestic violence, juvenile dependency, and juvenile delinquency before assuming the assignment or within 60 days after assuming the assignment.[4]

IV. ESSENTIAL ELEMENTS[5]

A. CASE MANAGEMENT

To the extent existing staff and resources can be allocated, the Family Division shall receive case management services and support to enable the family court judge to assess, differentiate, and monitor resources needed for handling cases, to be able to identify all collateral cases affecting the parties involved, and to monitor the movement of cases through the judicial process.

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

[5] REQUIREMENT: 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.).

Case management shall include:[6]

1. Initial review and evaluation of cases, including assignment of cases to court divisions or dockets;

2. case monitoring, tracking and coordination; and

3. service referral, coordination, monitoring, and tracking for treatment-based drug programs under section 397.334, Florida Statutes.

B. SELF HELP

The Second Judicial circuit shall ensure that Self Help Programs provide litigants with 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 clerk of the circuit court shall provide ministerial assistance to pro se litigants. Such assistance shall not include the provision of legal advice.[7] The circuit's responsibility for compliance with this directive shall be subject to direction and funding by the Legislature.

C. DOMESTIC VIOLENCE

The Administrative Judges of the Family Divisions shall work with other judges within the division, and without, to develop a policy to ensure that cases involving domestic violence are identified and managed in a manner that is organized, timely and sensitive to the special dynamics involved in these cases.[8]

D. ALTERNATIVE DISPUTE RESOLUTION

It is the policy of the Second Judicial Circuit to make maximum use of Alternative Dispute Resolution (ADR) in all pending family and dependency cases. Family mediation is mandatory by Administrative Order 92-01 for all contested cases, unless excused by the Court for good cause, and dependency cases are referred to dependency mediation by court order in appropriate cases,

The court, mediation staff, and the case management staff shall screen cases for domestic violence issues to provide for the safety of the participants and the integrity of the

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

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

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

mediation process prior to mediation, in accordance with the protocol that has been established for the screening and mediation of those cases. If the court determines that mediation is not appropriate as a result of domestic violence issues, the court may waive mediation.

E. GUARDIAN AD LITEM

The judges of the Second Judicial Circuit will coordinate with the Guardian ad Litem program to ensure representation of the best interests of children involved in cases with allegations of abuse, abandonment and neglect.

F. GENERAL MASTERS/HEARING OFFICERS

General masters and 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 consent of the parties is obtained, where required.[9]

G. SUPERVISED VISITATION

A list of approved supervised visitation centers is available in the Clerk's office.

H. 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 the parent education and family stabilization course prior to the entry of the court's final judgment, unless excused by the Court for good cause.

I. COUNSELING SERVICES/TREATMENT PROGRAMS

The Chief Judge of the Second Judicial Circuit, with the advice and assistance of the administrative family law judges in each county, in consultation with the FLAG and pertinent service providers, will develop strategies regarding availability of counseling services and treatment programs to litigants in the Family Division. At a minimum, such strategies shall, to the extent resources are available, 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.[10]

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

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

J. SECURITY

Judges presiding over family matters are aware of the special security issues attendant to family law matters. The Chief Judge and the Administrative Family Law Judges shall collaborate with relevant stakeholders to develop a plan to ensure that adequate and sufficient security personnel and equipment are available to ensure that Family Divisions are safe environments for judges, nonjudicial staff and the public.[11] Domestic violence hearings and any other family hearing or proceeding that the presiding Judge has reason to believe poses special safety concerns shall be held in the courtroom whenever possible.

K. TECHNOLOGY

The Judges of the Second Judicial Circuit handling family law matters shall use available technology to access information essential to case management and coordination, to print forms and notices immediately, 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.[12] The Chief Judge and the Trial Court Administrator shall notify judges in each county of the technology available for these enumerated purposes.

V. IDENTIFICATION AND COORDINATION OF RELATED CASES

In order to conserve judicial resources, avoid inconsistent court orders, and eliminate multiple appearances on the same issues, the following procedures and policies will be followed:

A. IDENTIFICATION OF RELATED CASES

At the time of filing, parties and/or their attorneys shall be required to complete a "related cases" form and indicate, as appropriate, the existence of any related cases, setting forth, if known, the case number, type, the parties, attorneys, the judge, and the date and description of the last court action.

For purposes of this section, "related cases" shall include all pending and prior family law cases of any type, and all pending cases of any other type, in which one or more of the parties, or their children, have participated.

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

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

Before accepting a case for filing in the Family Division, the Clerk shall verify that the related cases form has been completed and, if not, require the filing party/attorney to complete the form. The Clerk shall then conduct a search of available computer data base to verify the information on the related cases form and to correct as appropriate. When it is determined that there are pending related cases in the Family Division, except for Juvenile Delinquency, the newly filed case shall be assigned to the Family Division Judge before whom the related cases are pending.

In addition to the above procedures for identification of related cases, judges, general masters, hearing officers, and other court staff should make inquiry of the parties/ attorneys at their first meeting or court appearance, as to the existence of any related cases.

B. COORDINATION OF RELATED CASES

Upon discovery of the existence of one or more related cases involving the same parties, or their children, and in which a different judge has been assigned, the judge to whom the newest case has been assigned shall initiate a conference with the other judge(s) to consult and determine how to coordinate the cases, including whether any cases should be reassigned, which proceeding shall take precedence in managing the cases and determining issues, whether one case shall proceed while another is inactive or abated, or how judicial labor should be divided. In making such determinations, the following guideline should be used:

1. Which judge assigned has had the case longest, has been 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.

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

5. Whether, and at what stage of the proceedings, a delinquency case has been filed.[13]

When the judges decide it is unnecessary or impractical to assign all of the cases to the same judge, the judges will exchange information so that each judge involved with the family is aware of the other pleadings and the issues being addressed.[14]

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[13] SUGGESTION: Administrative Order 00-1, Eleventh Judicial Circuit.

[14] SUGGESTION: Administrative Order M2002-04, Fifth Judicial Circuit.

VI. FAMILY LAW ADVISORY GROUP[15]

The success of a system to handle cases involving children and families in the manner contemplated by the Florida Supreme Court as specified herein is dependent upon effective communication among all stakeholders, both in the judicial system and in the community. The Administrative Judge of the Second Judicial Circuit Family Division shall be the Chair of the Second Judicial Circuit Family Law Advisory Group (FLAG). Membership is determined by the Chief Judge, upon recommendation by the Administrative Judge of the Second Judicial Circuit Family Division, and may include:[16]

Judge(s), Domestic Relations
Judge(s), Domestic Violence
Hearing Officer
Trial Court Administrator
Self Help Center Director
Clerk's Office Staff
Guardian Ad Litem
Parenting Course Providers
Domestic Violence Advocates/Shelter Staff
Substance Abuse & Mental Health Providers
Private Attorneys
State Attorneys
Department of Revenue
Department of Juvenile Justice
Law Enforcement
Community Organizers
Local Colleges, University Professionals
Certified Public Accountants
Trial Court Technology Officer
Judge(s), Dependency
Judge(s), Delinquency
General Master
Case Manager
Clerk of Court
Mediators
Custody Evaluators
Supervised Visitation Providers
Batterers' Intervention Providers
Process Servers
Public Defenders
Legal Services/Legal Aid
Department of Children & Families
School Board/Dept. of Education
Local Government Officials
Parents and Children (Consumers)
Parenting Coordinators
Faith-based Community Programs

The FLAG shall meet quarterly, or more often upon the call of the Chair. A report on the progress of the group in meeting the goals of the Family Division shall be submitted to the Chief Judge by December 1 of each year.

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[15]REQUIREMENT: See In re Report of the Family Court Steering Committee, 794 So. 2d 518, 526 (Fla. 2001) (mandating the establishment of a Family Law Advisory Group in each circuit).

[16]Suggested membership approved by the Unified Family Court Subcommittee of the Steering Committee on Families and Children in the Court.

This Administrative Order shall become effective immediately.

DONE AND ORDERED in Chambers in Leon County, Florida, this 6th day of January, 2004.

CHARLES A. FRANCIS
CHIEF JUDGE

cc: All Circuit and County Court Judges
All Clerks of Circuit Court
Court Administration