

**IN THE COURTS FOR THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

Administrative Order No. 2003-48
(*Administrative Order 2001-72 is hereby Vacated*)

IN RE: Structure, Policies and Procedures of the Family Division of the Circuit Court

ORDER

WHEREAS, the Circuit Court of the First Judicial Circuit of Florida established a Family Division effective April 1, 1992; and

WHEREAS, the Florida Supreme Court has adopted 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, avoid conflicting decisions, and minimize inconvenience to the families;
- Therapeutic justice should be a key part of the family court process. Therapeutic justice is a process that attempts to address the family's interrelated legal and nonlegal problems to produce a result that improves the family's functioning. The process should 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;
- 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 at a reasonable cost and accessible without economic discrimination; and
- Courts should have well-trained and highly-motivated judicial and non-judicial personnel.

WHEREAS, the First Judicial Circuit is committed to these guiding principles and to developing a fully integrated, comprehensive approach to handling all cases involving children and families;

NOW, THEREFORE, pursuant to the authority vested in me as the Chief Judge of the First Judicial Circuit, in order to establish a Family Division that will meet the requirements of the Florida Supreme Court articulated 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:

I. JURISDICTION

The Family Division of the First Judicial Circuit shall include, at a minimum, the following types of cases:

- A. dissolution of marriage
- B. division and distribution of property arising out of a dissolution of marriage
- C. support unconnected with dissolution
- D. custodial care and access to children
- E. any matter related to child support, custody and visitation
- F. URESA/UIFSA
- G. declaratory judgment actions related to pre-marital, marital, or post marital agreements
- H. annulment
- I. paternity
- J. adoptions
- K. name changes
- L. civil domestic, repeat, sexual and dating violence
- M. juvenile dependency
- N. juvenile delinquency
- O. termination of parental rights
- P. CINS/FINS
- Q. truancy
- R. emancipation of a minor
- S. modification and enforcement of orders entered in these cases

II. JUDICIAL ADMINISTRATION OF FAMILY LAW

Pursuant to Rule 2.050(b)(5), Rule of Judicial Administration, an administrative judge for the Family Division shall be designated to oversee and coordinate the First Judicial Circuit's comprehensive response to children and families in litigation. The Administrative Judge for Family in the First Judicial Circuit shall develop policies, procedures and practices that will serve families in a manner consistent with the guiding principles of the family court. As the chair of the FLAG committee, he/she will facilitate communications and cooperation between agencies and stakeholders to this end.

III. ROTATION OF JUDGES IN THE FAMILY DIVISION

Judges are assigned to the Family Division on a two-year rotation basis with staggered rotations to ensure that a significant portion of judges are experienced in family law matters. To encourage retention of family judges who are committed to children and families and the model family court, judges may request additional consecutive terms or permanency in the Family Division, for consideration by the Chief Judge.

The Chief Judge will designate an experienced family judge to function as a mentor for any judge who is assigned to the Family Division for the first time, or who has not served in the Family Division for four years.

IV. ESSENTIAL ELEMENTS AND PROGRAMS

A. CASE MANAGEMENT

To the extent that resources are available, the Family Division shall receive case management services and support to enable the family court judges to assess, differentiate, and monitor the resources needed for handling cases; identify collateral cases affecting the parties involved; and monitor the movement of cases through the judicial process. Case management shall be exercised through support staff functions and case

management conferences. Case management shall include initial review and evaluation of cases; case monitoring, tracking and coordination; and service referral, coordination, monitoring, and tracking for treatment-based drug programs under section 397.334, Florida Statutes.

B. SELF HELP

The Family Division of the First Judicial Circuit shall ensure that Self Help programs provide Supreme Court approved forms, instructions, and procedural information to persons representing themselves in family law actions; offer community resource information and referral services; and generally assist litigants through the court process. The Clerk of the Circuit Court shall provide ministerial assistance to pro se litigants, that shall not include legal advice.

C. DOMESTIC VIOLENCE

The Administrative Family Judge shall work with other judges to develop policy that will insure that cases involving domestic violence are identified and managed in an organized, timely manner with consideration to the sensitive dynamics involved in these cases. Judges and court staff shall work closely with clerks of court, law enforcement agencies and local social services agencies to maintain a coordinated and integrated response to this community problem. A judge shall be available to hear requests for temporary injunctions ex-parte in domestic violence cases on Saturday, Sundays, holidays, after hours and weekends.

D. ALTERNATIVE DISPUTE RESOLUTION

It is the policy of the First Judicial Circuit to make maximum use of alternative dispute resolution (ADR) of family matters as authorized by sections 44.102 and 39.4075, Florida Statutes, Florida Family Law Rules of Procedure 12.740 and 12.741 and Florida Juvenile Rule of Procedure 8.290. ADR services shall be used to encourage resolutions to family law issues, and conserve judicial resources. When considering a referral to ADR services, the court shall determine whether there are domestic violence issues or other concerns for safety of the parties that would compromise the process.

E. GUARDIAN AD LITEM (GAL)

The GAL Program serves an important role in dependency and family law cases. A Guardian Ad Litem is appointed in any case where a need is recognized. The First Judicial Circuit will coordinate with the GAL Program to ensure representation of the best interests of the children in dependency cases that involve abuse, neglect, and abandonment; and family law cases that involve determination of appropriate custodial placement and/or visitation.

F. GENERAL MASTERS/HEARING OFFICERS

The First Judicial Circuit supports the use of General Masters and Hearing Officers for family law cases to effectively and efficiently manage and conserve judicial resources.

G. CUSTODY EVALUATION

Custody evaluations shall be ordered when a professional evaluator's assessment is needed to determine the optimal custodial placement of minor children, resources permitted. Judges may refer to mental health professionals in the community for clinical interviews of the parties and children, background investigations of parties, and/or evaluation of available information in order to make recommendations to the court.

H. SUPERVISED VISITATION

The use of supervised visitation programs is encouraged in the First Judicial Circuit to reduce conflicts, promote the best interests of the children, and ensure family safety. Judges will refer families only to supervised visitation centers that have entered into an agreement with the Chief Judge and are in compliance with the minimum standards developed by the Family Court Steering Committee, as adopted by Supreme Court Administrative Order In re: Supervised Visitation, dated November 18, 1999.

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 involving issues of parental responsibility are required to complete a parent education and family stabilization course, prior to entry of the final judgment. Refer to the Administrative Order regarding parent education and family stabilization course.

J. COUNSELING SERVICES/TREATMENT PROGRAMS

Judges in the Family Division of the First Judicial Circuit will ensure that counseling services and treatment programs are utilized as needed to provide short term interventions and long-term counseling/treatment programs for litigants in family cases.

K. SECURITY

Security in the Family Division is an important concern to Judges and court staff due to the sensitive, serious nature of matters surrounding children and families. The Chief Judge and the Administrative Family Judge shall implement provisions for sufficient security personnel and equipment to ensure that Family Divisions are safe environments for judges, non judicial staff and the public.

L. TECHNOLOGY

The First Judicial Circuit shall use all available technology to access information for case management and case coordination of family cases, to print forms and notices readily, to generate statistical reports, to provide public and inter-agency access to records, and to allow teleconferencing and appearance of witnesses by electronic means.

V. IDENTIFICATION AND COORDINATION OF RELATED CASES

The First Judicial Circuit utilizes the one judge-one family model in Santa Rosa County and the one family-one team model in Escambia, Okaloosa and Walton Counties. The Clerk of Court staff identify and flag pending cases with information on companion cases, and Family Court staff provide information from companion cases in case summaries. The court will decide whether all or some of the cases should be consolidated or coordinated to conserve judicial time and resources, eliminate multiple appearances on issues, and avoid inconsistent orders.

A. ASSIGNMENT OF CROSSOVER CASES

It is of primary importance that the Family Division coordinate cases and services to one family. Multiple cases involving one family shall be consolidated and heard by one judge, except with respect to delinquency cases. When judges are assigned to different cases involving the same family, they shall confer and coordinate pending litigation to maximize judicial efforts, avoid conflicting court orders, minimize the number of court appearances by the parties, and reduce duplication of services.

B. MULTIPLE PENDING CASES

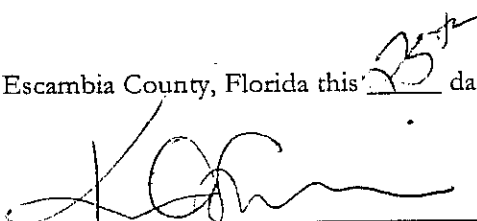
When it is determined that there are multiple cases pending involving the same parties, judges shall confer to determine the best way to proceed with the pending issues. They shall determine whether it is more appropriate to coordinate or consolidate the pending cases, and which division shall take precedence in managing the cases. When it is unnecessary or impractical to assign all cases to one judge, the judges will exchange pertinent information from the cross-over cases so that they will be aware of other pleadings and issues being addressed. This information shall also be made available to counsel and other parties for purposes of hearings, dispositions and resolution of matters before the court, observing all of the legal requirements of confidentiality.

VI. FAMILY LAW ADVISORY GROUP

Effective communication among stakeholders in the judicial system and in the community is crucial to the success of any family court, therefore, the Family Law Advisory Group is hereby established. The Administrative Family Law Judge shall chair the Family Law Advisory Group (FLAG) for the First Judicial Circuit. Membership shall include a representative from each of the following:

- Clerks of Court
- Community Organizations
- Consumers (Parents and Children)
- Department of Children and Families
- Department of Juvenile Justice
- Department of Revenue
- Domestic Violence Case Managers
- Domestic Violence Shelter Staff and Advocates
- Guardian Ad Litem
- Hearing Officers
- Judges (Domestic Relations, Dependency and Delinquency)
- Law Enforcement
- Legal Services Agencies
- Local Government Officials
- Local College and University Professionals
- Private Attorneys
- Public Defenders
- School Board/Dept. Of Education
- State Attorneys
- Substance Abuse and Mental Health Providers
- Supervised Visitation Center Providers
- Trial Court Administrator

DONE AND ORDERED at Pensacola, Escambia County, Florida this 25th day of September, 2003.



KIM A. SKIEVASKI, CHIEF JUDGE

COPIES TO:

All Circuit Court Judges, First Judicial Circuit
All Clerks of Court, First Judicial Circuit
Mr. Wayne Peacock, Court Administrator
The Escambia-Santa Rosa Bar Association
The Okaloosa-Walton Bar Association