

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT,
IN AND FOR OKALOOSA COUNTY, FLORIDA**

OCAD 2016-05

**IN RE: OKALOOSA COUNTY PROCEDURES FOR
UNIFIED FAMILY COURT (UFC) ONE FAMILY/ONE JUDGE
AND FAMILY LAW CASE ASSIGNMENTS**

The Administrative Directive amends portions of Amended OCAD Directive 2015-03 and OCAD Directive 2012-06 with regard to family law case assignments and reassignment of said cases due to judicial disqualifications or recusals. All other assignments in Amended OCAD Directive 2015-03 for non-family law cases remain.

In accordance with Florida Family Law rule of Procedure 12.003 Coordination of Related Family Cases and Hearings, which states that “all related family cases must be handled before one judge unless impractical,” the following procedures are implemented in Okaloosa County. Family law cases include dissolution of marriage; annulment;; support unconnected with dissolution of marriage; paternity; child support; uniform interstate family support act; custodial care of and access to children; proceedings for temporary of concurrent custody of minor children by extended family; adoption; name change; declaratory judgment actions related to premarital, marital, or postmarital agreements; civil domestic violence, repeat violence, dating violence, stalking, and sexual violence injunctions; juvenile dependency, termination of parental rights, juvenile delinquency; emancipation of a minor; children in need of services/families in need of services; and truancy.

These procedures take into account the limited courtroom space available in Okaloosa County beginning on April 4, 2016, due to the destruction and rebuilding of the Okaloosa County Courthouse in Crestview, and the Judges in Crestview being relocated to Fort Walton Beach while the new courthouse in Crestview is built.

I. Case Assignment for Family Law cases - the Okaloosa County Clerk of Court is directed to assign/reassign family law cases in accordance with the following

A. North Okaloosa Situs Cases

- (1) Judge Michael Flowers (Division 6)
 - (a) Family Law DR cases
 - (b) Domestic Violence & Other Injunctions for Protection (DVI)
- (2) Judge Terrance Ketchel (Division 5)
 - (a) Juvenile Dependency/related Adoptions and Truancy cases (DP)
 - (b) Juvenile Delinquency cases (CJ)
 - (c) Related DR and DVI cases for any DP case
 - (d) Any recusals/disqualifications of Judge Flowers in any family DR case, not to include DVI cases unless the DVI is related to a DP or DR case pending before or being transferred to Judge Ketchel

- B. South Okaloosa Situs Cases
 - (1) Judge John Jay Gontarek (Division 4)
 - (a) ½ Family Law DR cases
 - (b) Juvenile Delinquency cases (CJ)
 - (c) Domestic Violence & Other Injunctions for Protection (DVI)
 - (2) Judge Mary Polson (Division 3)
 - (a) ½ Family Law DR cases
 - (b) Juvenile Dependency/related Adoptions and Truancy cases (DP)
 - (c) Related DR and DVI cases for any DP case
- C. Shelter and Detention Hearings
 - (1) The 3 juvenile Judges (Ketchel, Gontarek and Polson) will hear all shelter and detention hearings on a rotating 3-week schedule to be published and updated as necessary.
- D. Ex Parte Injunction for Protection Petitions/Baker Act and Marchman Act Petitions
 - (1) The 3 Judges assigned to DR and DVI (Flowers, Gontarek and Polson) will handle all ex parte Injunction for Protection Petitions and Baker Act and Marchman Act Petitions on a rotating 3-week schedule.
 - (2) The assigned Judge for the week will also sign the Orders on the General Magistrate's Reports from the Baker Act hearings that week.

II. Identifying, Transferring, and Administratively Consolidating Family Law Cases

- A. The UFC Case Manager assigned to the Judge will be responsible for identifying related family law cases, and preparing orders to transfer related cases as set forth herein, and orders to administratively consolidate related cases.
 - (1) UFC Case Manager prepares the Order Transferring the Case and delivers to assigned Judge for signature.
 - (2) UFC Case Manager prepares the Order Administratively Consolidating the related cases, and delivers to newly assigned judge for signature. This Order shall be filed in each of the related cases.
- B. **Review of Dockets and Newly Filed Cases**
 - (1) UFC Case Manager will prepare a weekly list of related cases on the docket for each assigned family law Judge, and note any cases that need to be transferred and administratively consolidated. This list is to be prepared as soon as possible, and no later than the Friday preceding the following week.
 - (2) UFC Case Manager will regularly review new filings or reopening of cases, at least once a week, for each assigned family law Judge to determine if that case needs to be transferred to another Judge, in accordance with the procedures set forth herein.
 - (3) If time permits and the UFC Case Manager assigned to the Judge handling shelters and detention is available, the UFC Case Manager will review daily shelter and detention cases for the assigned Judge, and provide a list of related cases to the Judge before said hearings.

C. When to Transfer and Administratively Consolidate Cases

- (1) **Open DP (Dependency) case-Transfer the following to DP Judge:**
 - (a) DR (open only) case with same parents & children.
 - (b) DVI case ONLY after the initial DVI petition hearing & IF injunction is entered or kept in effect.
 - (c) If the petition for injunction is denied or dismissed, **DO NOT** transfer DVI case.
 - (d) Open or closed DOR (Department of Revenue)/DR cases for child support shall be transferred to the Judge who has an open DP or DR dissolution of marriage, support unconnected with dissolution of marriage, or paternity.
 - (e) All transferred cases shall be administratively consolidated.
- (2) **In the absence of an open DP (Dependency) case in South Okaloosa Situs:**
 - (a) **DVI Transferred to the DR Judge- Transfer if:**
 - (i) The DVI related case shall be transferred to the DR Judge, **IF** an injunction has been entered or kept in effect at the initial DVI petition hearing.
 - (ii) If the petition for injunction is denied or dismissed, the DVI case shall **NOT** be transferred.
 - (iii) If transferred, the cases shall be administratively consolidated.
- (3) **Initial DVI return hearings:**
 - (a) The assigned DVI Judge will hear the initial DVI return hearing, even if there is a related DP or DR case pending before another Judge, and then the DVI case will be transferred to the Judge who has the related DP or DR case, if an injunction is entered.
 - (b) The Judge who has a related DP or DR case may agree to hear the initial DVI return hearing, if said hearing can be scheduled on that Judge's docket within the time limit required by law.
 - (c) The UFC Case Managers shall consult with the Judges to determine if the initial DVI return hearing is to be scheduled on the docket of the Judge who has the related DP or DR case and if so, transfer the DVI case to that Judge and set the return hearing on that Judge's docket.
- (4) **DOR/DR Child Support Case Transferred to DR Judge:**
 - (a) Open or closed DOR/DR cases for child support shall be transferred to the Judge who has an open DP or DR dissolution of marriage action, support unconnected with dissolution of marriage, or paternity; and the cases shall be administratively consolidated.
 - (b) The purpose of this procedure is to put the Child Support Hearing Officer on notice of the related cases.

- (5) **Closed DP (dependency) with Jurisdiction Retained:**
- (a) If a hearing in a DR or DVI case is set on timesharing issues and there is a related closed DP case which retained jurisdiction, the DR/DVI Judge does not have jurisdiction to address timesharing, as DP has exclusive jurisdiction until relinquished.
 - (b) Once the UFC Case Manager becomes aware of this situation:
 - (i) Alert the assigned DP Judge.
 - (ii) Judge shall refer the matter to the supervising attorney for DCF (Children's Legal Services/CLS) for their review and recommendation as to whether jurisdiction should be relinquished.
 - (iii) If DCF/CLS recommends that the Court relinquish jurisdiction, CLS shall file a Motion to Reopen and Relinquish Jurisdiction and set expedited hearing on said motion.
 - (iv) DR case shall not be transferred to DP Judge unless jurisdiction will **NOT** be relinquished in DP case.
 - (v) If expedited DP hearing cannot be set before the scheduled DR case hearing, DR Judge is to inform the attorneys/parties that he/she has no jurisdiction to address timesharing issues.
 - (vi) Attorneys/parties must seek relief or request relinquishment of jurisdiction in the DP case.
 - (vii) DR Judge may address issues other than timesharing such as spousal support, child support, temporary possession of house, etc.

III. Conferences between Judges

- A. When it is impractical for one Judge to handle all related family cases, the Judges assigned to the related cases, may confer for the purpose of case management and coordination of the cases.
- B. DCF (Department of Children and Families) and DJJ (Department of Juvenile Justice) shall provide information to the assigned Judge on juvenile crossover cases.

IV. Joint Hearings

- A. Each Judge may order joint hearings on related cases if practical.

This Directive is effective immediately upon signing.

DONE AND ORDERED in Okaloosa County, Florida, this 20th day of May, 2016.

/S/ MICHAEL A. FLOWERS

MICHAEL A. FLOWERS
ADMINISTRATIVE JUDGE

Conformed copies furnished to:

Honorable Linda L. Nobles, Chief Judge

All Judges, Okaloosa County

Honorable J.D. Peacock II, Clerk of Court, Okaloosa County

All Law Enforcement Agencies, Okaloosa County

Magistrate Thomas Nixon

Mark Rubin, Child Support Hearing Officer

Robin Wright, Trial Court Administrator

Valerie Broxson, Court Operations Manager

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