

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER NO:
11-24 AMENDED
SUPERSEDES 11-24

IN RE: DOMESTIC RELATIONS - FAMILY DIVISION - MODEL FAMILY COURT

WHEREAS, the Eighteenth 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 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 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 non-legal 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;

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

²See 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 Eighteenth 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 as follows:

I. JURISDICTION

The Family Court Division of the Eighteenth Judicial Circuit shall include, at a minimum, the following types of cases:³

- A. dissolution of marriage
- B. division and distribution of property arising out of 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
- O. juvenile delinquency
- P. emancipation of a minor
- Q. CINS/FINS
- R. truancy
- S. marchman acts
- T. modification and enforcement of orders entered in these cases.

II. ADMINISTRATIVE FAMILY LAW JUDGE

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

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 Eighteenth Judicial Circuit's comprehensive response to children and families in litigation. The Administrative Family Judge will manage the Family Division and be responsible for:

- A. Coordinating the circuit's development of the overall plan for implementation of the family court concept;
- B. Developing proposed policy, operating procedures, and administrative orders for implementation of the circuit's plan;
- C. Monitoring and reporting progress toward implementation;
- D. Coordinating the development of resources that may be required by various courts dealing with family matters (e.g., guardian ad litem, mediation services, drug referral and treatment, home studies, parenting classes, parenting coordinators, etc.) and assessing the possible integration of cases regarding involuntary commitments for drug and alcohol dependency or mental health, and as appropriate, guardianships;
- E. Developing and facilitating communications with court-related entities on 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, the Department of Juvenile Justice, hearing officers, magistrates, mediators, community social services entities, clerk of courts, and law enforcement agencies; and
- F. Developing a means of orienting judges newly assigned to matters affecting children and families to the family court concept for integrating the court's response to cases involving the same family, including directing them to appropriate initial and continuing judicial education offerings and reference materials.

IIA. FAMILY ADMINISTRATIVE JUDGES

Because of the size of the Eighteenth Judicial Circuit, it is necessary to designate a separate administrative judge for both Brevard County and Seminole County. However, one of the two family administrative judges will be designated as the Circuit's Family Division Administrative Judge with primary supervisory responsibilities. The administrative judges shall work together to ensure genuine coordination of cases and a coordinated approach to the overall handling of cases and utilization of resources.

III. ROTATION OF JUDGES

Judges are assigned for one year rotation periods. 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 (when reasonably possible) after assuming the assignment.

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

IV. ESSENTIAL ELEMENTS

A. CASE MANAGEMENT

To the extent that existing staff and resources can be allocated, the Family Division shall receive case management services and support, including, but not limited to, the timely referral of cases to mediation, the timely referral of litigants with minor children to classes which help educate parents on ways to assist their minor children cope with their parents' separation, the referral of cases to the general magistrate, when appropriate, the scheduling of cases for pre-trial or status conferences, and the scheduling of cases for trial. Additionally, to the extent existing staff or resources can be allocated, the family division shall receive case management services and support to enable the family court judge to be aware of and to be able to identify all collateral cases affecting the parties involved.

B. SELF HELP

The Eighteenth Judicial Circuit shall ensure that Self Help programs exist so that litigants are provided with Florida Supreme Court approved forms, instructions, definitions, and procedural information 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. Ministerial assistance shall not include the providing of legal advice.

C. DOMESTIC VIOLENCE

The Family Division Administrative Judge shall work with other judges within the division to develop a policy to ensure that the 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.

D. ALTERNATIVE DISPUTE RESOLUTION

It is the policy of the Eighteenth Judicial Circuit to make maximum use of alternative dispute resolution (ADR) of family matters and issues as authorized by sections 44.102 and 39.4075, Florida Statutes, and Florida Family Law Rules of Procedure 12.740 and 12.741 and Florida Juvenile Rule of Procedure 8.290.

The court shall take necessary steps to ensure that a party who has been the victim of domestic violence and who does not wish to participate in mediation is not ordered to attend mediation.

E. GUARDIAN AD LITEM ("GAL")

The Eighteenth Judicial Circuit will coordinate with the GAL Program to ensure representation of the best interests of children involved in cases with allegations of abuse, abandonment, and neglect.

F. GENERAL MAGISTRATES

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. Referrals shall be made in accordance with relevant Rules of Juvenile and Family Procedure and any applicable administrative orders.

G. CUSTODY EVALUATION

To the extent existing staff and resources can be allocated, the family division shall receive

home study reports from court evaluators in those cases involving a high degree of conflict and/or those cases involving allegations of abandonment, abuse, or neglect. To the extent the financial resources of the parties permit, judges may also order custody evaluations to be performed by mental health professionals.

H. SUPERVISED VISITATION

A list of approved supervision centers in each county shall be made available to each family division judge as well as to the Clerk's office.

I. PARENTING EDUCATION

Pursuant to section 61.21, Florida Statutes, all parties to 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.

J. COUNSELING SERVICES/TREATMENT PROGRAMS

Under the leadership of the Family Division Administrative Judge and in consultation with the Family Law Advisory Group, and others, the Eighteenth Judicial Circuit will develop strategies to enable the courts to be able to advise litigants of counseling services and treatment programs available in the appropriate county. Additionally, the strategies shall ensure that compliance is monitored when such services are court-ordered.

K. SECURITY

Judges in the Family Division are aware of the special security issues attendant to family law matters. The Chief Judge shall consult and cooperate with the local sheriffs' departments 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, non-judicial staff, and the public.

L. TECHNOLOGY

The Eighteenth Judicial Circuit 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 appearance of witnesses by electronic means.

V. IDENTIFICATION AND COORDINATION OF RELATED CASES

A. Provisions applicable to both Brevard and Seminole Counties.

1. The Eighteenth Circuit's plan for coordination of cases is based on the coordinated management model adopted by the Florida Supreme Court and is designed to take into account the individual needs and resources within each county in the circuit. Each county will utilize the one family - one team model, with a goal of having the vast majority of time-sharing decisions regarding a minor child be made by a single judge.
2. In identifying related cases, the Eighteenth Circuit recognizes that many family cases involve individuals and issues that are interrelated, but do not involve a family relationship or children. The case manager or the clerk will determine if any of the parties or children have pending or closed family cases. If they have pending

or closed family cases, the Court will decide whether all or some of the cases should be assigned to the same judge or coordinated to conserve judicial resources, avoid inconsistent court orders, and eliminate multiple appearances on the same issue. Upon the filing of a case in the Family Division, the clerk shall conduct a search of existing family law cases to determine the existence of other litigation involving the same family. Additionally, at the time of the filing, the parties and/or their attorneys shall be required to complete an information sheet indicating, as appropriate, the existence of prior or pending cases involving the same parties. If possible, the party/attorney shall set forth the style, case number, and date of disposition of the case.

3. Cases involving the same child(ren) in family law cases and juvenile dependency cases are defined as cross-over cases. These cross-over cases shall be consolidated and assigned to the dependency division judge unless otherwise ordered by such judge.
4. A pending Department of Revenue action for child support and a pending dissolution of marriage action or paternity case involving the same children shall be treated as companion cases until a Final Judgment is entered in the dissolution or paternity case. At that time the Department of Revenue case shall automatically be consolidated with the dissolution or paternity case and arrearages or credits from the prior Department of Revenue action will be transferred to the dissolution or paternity case. An exception to this order is a Department of Revenue action brought only for the purpose of recovering prior private public assistance payments. Such actions will not be consolidated with the dissolution or paternity case.

B. Provisions applicable to Brevard County only:

1. There shall be a unified family court division which will be presided over by the dependency division judge. Where there is a delinquency case filed against a minor child and such child is also the subject of an on-going dependency case, the delinquency division judge may refer such matter to the dependency division judge. The unified family court/dependency division judge will have the sole discretion to determine if such case will be accepted in the unified family court division after determining whether the acceptance of such case in the unified family court division will be in the child's best interest.
2. Cases involving the same parties in domestic violence cases and family law cases are defined as cross-over cases. If the family law case is filed first, the clerk will be directed to assign the cross-over domestic violence case to the judicial division which is handling the existing family law case. If a domestic violence case is filed first, the clerk will be similarly directed to assign the subsequently filed cross-over family law case to the judicial division which is assigned or within the past 6 months was assigned the domestic violence case.

C. Provisions applicable to Seminole County Only:

1. There shall be two unified family court divisions which will be presided over by

the judges assigned to the dependency/delinquency divisions. Where there is a delinquency case filed against a minor child and such child is also the subject of an on-going dependency case, the delinquency/dependency judge may order the two cases be heard in a consolidated proceeding after determining such consolidation would be in the best interest of the minor child.

2. Cases involving the same parties in Unified Family Court injunctions and family law cases are defined as cross-over cases. If the family law case is filed first, the clerk will be directed to assign the cross-over Unified Family Court injunction to the judicial division which is handling the existing family law case. If the Unified Family Court injunction case is filed first, the clerk will be similarly directed to assign the subsequently filed cross-over family law case to the judicial division which is assigned or was previously assigned the Unified Family Court injunction even if the prior petition was dismissed. A Unified Family Court injunction is defined as a Petition for Injunction for Protection Against Domestic Violence where the domestic violence relationship arises as a result of the parties being currently or previously married, or if not currently or previously married, where the parties have a minor child in common.

VI. FAMILY LAW ADVISORY GROUP

The success of any family court is dependent upon effective communication among all stakeholders both in the judicial system and in the community. In each county, there is established a family law advisory group. The chair of the family law advisory group shall either be the administrative family judge or a family division judge appointed by the administrative family judge. Membership of the group shall be open to interested parties, to include but not be limited to, a representative from each of the following:

- Judge(s), Domestic Relations
- Judges(s), Dependency
- Judge(s), Domestic Violence
- Judges(s), Delinquency
- Hearing Officer
- General Magistrate
- Trial Court Administrator
- Case Manager
- Self Help Center Director
- Clerk of Court
- Clerk's Office Staff
- Mediators
- Guardian ad Litem
- Custody Evaluators
- Parenting Course Providers
- Supervised Visitation Providers
- Parenting Coordinators

Process Servers
Private Attorneys
Public Defenders
State Attorneys
Legal Services/Legal Aid
Department of Revenue
Department of Children and Families
Department of Juvenile Justice
School Board/Dept. of Education
Law Enforcement
Local Government Officials
Community Organizers
Parents and Children (Consumers)
Certified Public Accountants
Faith-based Community Programs
Domestic Violence Advocates/Shelter Staff
Substance Abuse and Mental Health Providers
Batterers' Intervention Providers
Local Colleges, University Professionals

The Family Law Advisory Group shall meet quarterly, or more often, upon the call of the chairperson. The report on the progress of the group in meeting the goals of the model family court shall be submitted to the Chief Judge by December 1st of each year.

This Administrative Order shall become effective upon signing.

DONE AND ORDERED this 29TH day of November, 2011.

ALAN A. DICKEY
ALAN A. DICKEY
CHIEF JUDGE

DISTRIBUTION:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)