

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
05-45-B

**IN RE: DOMESTIC VIOLENCE - CHILDREN ATTENDING DOMESTIC VIOLENCE
INJUNCTION HEARINGS**

WHEREAS, FS § 741 authorizes the filing of an Injunction on behalf of a minor child; and

WHEREAS, Fla. Fam. L.R.P. 12.407 prohibits the attendance of a minor child at any court hearing, including Domestic Violence Injunction Proceedings, without prior Court approval; and

WHEREAS, that due to mandated time constraints and congested court dockets, there may not be enough time and notice to have a motion for the minor child to testify heard prior to the Final Injunction hearing; and

WHEREAS, the moving party may not be able to prove that violence occurred on behalf of the minor child without the attendance and testimony of the minor child; and

WHEREAS, the adoption of the following provision will provide for the proper administration of hearing Domestic Violence cases on behalf of a minor child within the Eighteenth Circuit, it is

ORDERED:

1. In a Domestic Violence Injunction proceeding which is brought on behalf of a minor child where the allegations are that the child is the victim of direct physical violence and/or direct sexual violence, the minor child may be brought to the hearing to present testimony before the Court without need for a motion, hearing on said motion, and an order for the minor child to attend said court

proceeding so long as said minor child is twelve (12) years
of _____ age _____ or
older.

2. If a Domestic Violence Injunction proceeding is brought on behalf of the minor child and the minor child is less than twelve (12) years of age and/or the allegations are such that the domestic violence involves indirect physical violence; such as the violence occurred in the presence of the minor child; then said Court requires a motion and an order pursuant to Fla. Fam. L.R.P. 12.407.

DONE AND ORDERED this 21st day of September, 2005.

KERRY I. EVANDER
KERRY I. EVANDER
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard County)
State Attorney (Brevard County)
Public Defender (Brevard County)
Sheriff (Brevard County)
Bar Association (Brevard County)
Law Library (Brevard County)
General Magistrate/Child Support Enforcement Hearing Officer (Brevard)