

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 10-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 10-08
(Companion to AO No. 03-15)**

**IN RE: ESTABLISHMENT OF
PROCEDURES FOR DOMESTIC AND
SEXUAL VIOLENCE INJUNCTION
CASES FILED ON BEHALF OF
(OBO) A MINOR CHILD AGAINST
A BIOLOGICAL/ADOPTIVE/LEGAL
PARENT IN THE UNIFIED FAMILY
COURT OF THE ELEVENTH
JUDICIAL CIRCUIT OF FLORIDA**

WHEREAS, the Florida Supreme Court, in In re: Report of the Commission of Family Courts, 588 So.2d 586 (Fla. 1991), directed each judicial circuit to develop a local rule establishing a Family Court, or a means to coordinate family law matters that affect one family if the circuit or part of the circuit is of such limited size that it is unable to administratively justify such a court; and

WHEREAS, the Juvenile, Family, and Domestic Violence Divisions were previously created by Administrative Orders and Local Rules in the Eleventh Judicial Circuit; and

WHEREAS, the Florida Supreme Court, in In re: Report of the Commission of Family Courts, 646 So.2d 178 (Fla. 1994), approved such Administrative Orders and Local Rules submitted by this Circuit; and

WHEREAS, the Florida Supreme Court, in In re: Report of the Family Court Steering Committee, 794 So.2d 518 (Fla. 2001), directed each circuit to submit a revised local rule or administrative order consistent with the recommendations approved by the Supreme Court; and

WHEREAS, the Florida Supreme Court endorsed the guiding principles and characteristics of the model family court developed by the Florida Court Steering Committee and reaffirmed its goal of the creation of a fully integrated, comprehensive approach to handling all cases involving children and families; and

WHEREAS, pursuant to Administrative Order No. 03-15, dated October 29, 2003, the Unified Family Court Plan was reaffirmed and the Complex Litigation Division was established to implement the Unified Family Court (hereinafter referred to as the "UFC") in the Eleventh Judicial Circuit of Florida to provide a comprehensive, coordinated approach to addressing family law matters; and

WHEREAS, because of the separate recording systems, a Unified Family Court Section 48 was created in the existing Family, Domestic Violence, and Juvenile Divisions for the purposes of adjudicating crossover cases; and

WHEREAS, over the past year the Eleventh Judicial Circuit has had an increase in the number of Domestic Violence Injunction cases filed pursuant to F.S. §741.30, and §784.046 (Sexual Violence Injunctions) by a parent or caretaker on behalf of (OBO) a minor child against a biological/adoptive/legal parent, where there are allegations of child abuse, abandonment, neglect, or exposure to domestic violence and/or substance abuse; and

WHEREAS, the Unified Family Court Division, the Domestic Violence Division, the Family Division, and the Juvenile Division have worked together collectively over the past year to study this category of cases which represent the intersection of child welfare and family violence issues, and analyze their implications to this Circuit; and

WHEREAS, in response to the issues presented by these high conflict families, a protocol has been established between the Unified Family Court Division, the Domestic Violence Division, the Family Division, the Juvenile Division, the Department of Children and Families, Our Kids, Inc., and Bridging Families and Communities, to provide services to families in Domestic and Sexual Violence Injunction cases filed on behalf of (OBO) a minor child against a biological/adoptive/legal parent; and

WHEREAS, the policies and procedures outlined in Administrative Order 03-15 were meant to be elastic so as to provide the greatest degree of flexibility and allow for fine-tuning to the extent necessary to effectuate efficient and proper procedures for the Court and thus is subject to change periodically;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED**:

I ESTABLISHMENT OF OPERATIONAL PROTOCOL

The following operational protocol is hereby established for Domestic and Sexual Violence cases filed on behalf of (OBO) a minor child against a biological/adoptive/legal parent (hereinafter referred to as "OBO Cases"):

A. Identification – OBO Cases will be identified by:

- i. The Clerk of Court flagging these cases in Odyssey at the time of filing, pursuant to established procedures in effect;
- ii. The daily OBO Flag Against a Parent or Guardian Report generated by CTeS Department of the Administrative Office of the Courts; and
- iii. Judges and court staff.

B. Notification - The Clerk of Court will notify the UFC Division Director of the Administrative Office of the Courts, or his/her representative, upon the identification of an OBO Case at the time of intake, pursuant to established procedures in effect.

II ASSIGNMENT OF CASES

The following types of OBO Cases shall be specifically assigned in the following manner:

- (i) **Domestic Relations/Domestic or Sexual Violence Injunction Filed on behalf of a Minor Child Against a Biological/Adoptive/Legal Parent Crossover Cases.** The UFC Division Director will review the crossover cases, and where there is an open or closed Domestic Relations case which is related to a Domestic or Sexual Violence Injunction case filed on behalf of a minor child against a biological/adoptive/legal parent, as well as any companion Domestic or Sexual Violence Injunction case simultaneously filed by a parent against the other parent, the case(s) shall be set for Permanent Injunction hearing before the Family Division Judge, at the time of intake, and reassigned to the UFC Division/Section 48.
- (ii) **Juvenile Dependency/Domestic or Sexual Violence Injunction Filed on behalf of a Minor Child Against a Biological/Adoptive/Legal Parent Crossover Cases.** The UFC Division Director will review the crossover cases, and where there is an open Juvenile Dependency case which is related to a Domestic or Sexual Violence Injunction case filed on behalf of a minor child against a biological/adoptive/legal parent, as well as any companion Domestic or Sexual Violence Injunction case simultaneously filed by a parent against the other parent, the case(s) shall be set for Permanent Injunction hearing before the Juvenile Division Judge, at the time of intake, and reassigned to the UFC Division/Section 48.

- (iii) **Domestic or Sexual Violence Injunction Filed on behalf of a Minor Child Against a Biological/Adoptive/Legal Parent Case with No Related Domestic Relations or Juvenile Dependency Case.** The UFC Division Director will review the Domestic or Sexual Violence Injunction filed on behalf of a minor child against a biological/adoptive/ legal parent case, and where there is no related open or closed Domestic Relations or open Juvenile Dependency crossover case(s) in the system, the case, as well as any companion Domestic or Sexual Violence Injunction cases simultaneously filed by a parent against the other parent, shall be set for Permanent Injunction hearing before a UFC Division Judge at the time of intake, and reassigned to the UFC Division/Section 48.

III. INTERDIVISIONAL COOPERATION

The Circuit's Domestic Violence Division, Family Division, Circuit Criminal and County Criminal Divisions, and Juvenile Division, shall work cooperatively together to ensure that multiple judicial determinations concerning a single family complement, and do not conflict, with one another.

This Administrative Order is a companion to Administrative Order No. 03-15.

This Administrative Order shall take effect immediately upon execution and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this _____ day of July, 2010.

JOEL H. BROWN, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA