

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 03-1
(Court Administration)

ADMINISTRATIVE ORDER
NO. 03-15
(Rescinding Administrative Order
No. 01-16)

IN RE: REAFFIRMATION OF UNIFIED
FAMILY COURT PLAN,
ESTABLISHMENT OF COMPLEX
LITIGATION DIVISION,
ESTABLISHMENT OF PROCEDURES
FOR IMPLEMENTING AND
EVALUATING UNIFIED FAMILY
COURT IN 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 Family 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. 01-16, dated October 19, 2001, the Unified Family Court for the Eleventh Judicial Circuit of Florida (hereinafter referred to as the “UFC”) was established to provide a comprehensive, coordinated approach to addressing family law matters; and

WHEREAS, a pilot project was established within the Circuit wherein selected “cross over” cases were transferred for handling by the Judges assigned thereto; and

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

WHEREAS, the HONORABLE SANDY KARLAN and the HONORABLE SCOTT M. BERNSTEIN were assigned to the cross over division of the Court and presided concurrently in Section 48 and their respective sections in both the Family and Juvenile Divisions; and

WHEREAS, a significant number of cases were determined to be cross over cases in the pilot project, thereby supporting the need to create a permanent division to adjudicate such cases; and

WHEREAS, the policies and procedures outlined in Administrative Order 01-16 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 subject to change at any time;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Florida Rules of Judicial Administration, it is hereby ordered that:

I. UNIFIED FAMILY COURT DIVISION STRUCTURE AND JURISDICTION

A. The following types of cases are included in the Unified Family Court:

1. dissolution of marriage
2. division and distribution of property arising out of a dissolution of marriage
3. annulment
4. support unconnected with dissolution of marriage
5. paternity
6. child support
7. URESA/UIFSA
8. custodial care of and access to children
9. adoption

10. name change
11. declaratory judgment actions related to premarital, marital, or post marital agreements
12. civil domestic, dating and sexual violence injunctions
13. juvenile dependency
14. termination of parental rights
15. juvenile delinquency
16. emancipation of a minor
17. CINS/FINS
18. truancy
19. modification and enforcement of orders entered in these cases
20. domestic violence-related misdemeanors, including violations of injunctions against domestic, dating or sexual violence

- B. For the purposes of this Administrative Order, the Division traditionally referred to as the Family Division in this Circuit will be referred to as the Domestic Relations Division.

II ADMINISTRATION/JUDICIAL ASSIGNMENTS

- A. In order to achieve the goals of the model family court endorsed by the Florida Supreme Court in In re: Report of the Family Court Steering Committee, 794 So.2d 518 (Fla. 2001), and because of current location of court facilities and resources and limitations of space, the Eleventh Judicial Circuit's Family Division will continue to be comprised of the Juvenile, Domestic Violence and Domestic Relations Divisions of the Court and will operate as a Unified Family Court.
- B. The Chief Judge of this Circuit or his/her designee will manage the Unified Family Court and will be responsible for:
 1. Ensuring that the Circuit's policy, operating procedures, and administrative orders for implementation of the Unified Family Court are followed;
 2. Periodically evaluating the progress of the Unified Family Court ;
 3. 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, etc.) and assessing the possible integration of cases regarding involuntary commitments for drug and alcohol dependency or mental health, and as appropriate, guardianships;

4. Continuing the development and facilitation of 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, community social services entities, clerk of courts, and law enforcement agencies; and
 5. 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.
- C. I hereby appoint the HONORABLE CINDY LEDERMAN, chairperson of the Unified Family Court Advisory Board.
- D. Establishment of a Complex Litigation Section of the Unified Family Court.
1. Effective immediately, the Complex Litigation Section in the Domestic Relations Division and in the Juvenile Division, known as Section 48 in both divisions, are hereby established and dedicated as the Complex Litigation Sections of the Unified Family Court.
 2. I hereby appoint the HONORABLE SANDY KARLAN and the HONORABLE LESTER LANGER to serve in their respective Complex Litigation Section of the Unified Family Court.
 3. The HONORABLE SANDY KARLAN will remain in the Lawson E. Thomas Courthouse Center and the HONORABLE LESTER LANGER in the Juvenile Justice Center to allow the Unified Family Court the greatest flexibility to serve the needs of the families and to accommodate the service providers and law enforcement. However, the new Juvenile Courthouse will have designated courtrooms and ancillary space for the Complex Litigation Section of the Unified Family Court.
 4. As cross over cases are transferred to the Complex Litigation Sections of the Domestic Relations and Juvenile Divisions of the Unified Family Court, respectively, the clerk's office is instructed to gradually reduce the percentage of non cross over cases assigned to these sections.

- E. All Judges are assigned to the Domestic Relations, Juvenile and Domestic Violence Divisions pursuant to this Circuit's rotation plan. All Judges who are assigned to these divisions for the first time or who have not served in these divisions for two years must receive mandatory training in the fundamentals of family law, domestic violence, juvenile dependency, juvenile delinquency and child development of both healthy and maltreated children before assuming the assignment or within 60 days after assuming the assignment.
- F. An Administrative Case Coordinator ("Case Coordinator") will be assigned to support the Unified Family Court. Due to existing duties and responsibilities, rotation of the primary Case Coordinator role will be rotated among the Administrative Office of the Court's Division Directors every year, beginning with Paul Indelicato, followed by Lauren Lazarus and Celina Rios. Paul Indelicato's initial term will run through December, 2004.

III ESSENTIAL ELEMENTS

The Unified Family Court will comply with the following essential elements as endorsed by the Florida Supreme Court in In re: Report of the Family Court Steering Committee 794 So.2d 518 (Fla. 2001):

- A. **Case Management** - Supervising, coordinating, directing, and overseeing the process and progress of a case.
- B. **Self-Help Programs** - Providing intake, screening, and procedural guidance to self represented litigants in family law cases.
- C. **Domestic Violence** - Ensuring that cases involving domestic violence are identified and managed in a manner that is organized, in compliance with all statutory time frames, and sensitive to the special dynamics involved in these cases.
- D. **Alternative Dispute Resolution (ADR)** - Offering alternatives to reduce the trauma of traditional adversarial litigation process, unless otherwise prohibited by law.
- E. **Guardian ad Litem** - Utilizing guardians ad litem in all family cases involving abused, abandoned or neglected children, and children at risk of harm to the extent such services are available.
- F. **General Masters/Hearing Officers** - Using quasi-judicial officers to expedite hearings and expand judicial resources.

- G. **Custody Evaluation** - Providing the court with evaluative information in proceedings involving custody disputes.
- H. **Supervised Visitation** - Promoting the utilization of qualified programs for supervised visitation and/or monitored exchange.
- I. **Education Programs for Parents** - Utilizing education programs for parents involved in family law proceedings.
- J. **Counseling Services/Treatment Programs** - Assuring the availability of crisis intervention and long-term counseling/treatment programs and ensuring that compliance is monitored when such services are court ordered.
- K. **Security** - Providing adequate and sufficient security personnel and equipment to ensure that family divisions are safe environments for judges, non-judicial staff, and the public.
- L. **Technology** - Providing computer hardware, systems, and training to access information essential to case management and coordination, to print forms and notices immediately, and to generate statistical reports, to provide public and inter-agency access to records, and to allow teleconferencing and appearance of witnesses by electronic means.

IV **OPERATIONAL PROTOCOL, COORDINATION AND TRANSFER OF CROSS OVER CASES**

- A. **Operational Protocol** - the operational protocol for handling cross over cases will be followed in conjunction with those protocols established by the Juvenile, Domestic Relations and Domestic Violence Divisions. However, all protocols of the respective Divisions are subject to revision and modification to effectuate efficient procedures and to ensure that the mandate of the Florida Supreme Court is being followed by this Circuit. Generally, the operational protocol will be as follows:
 - 1. **Definition** - A cross over case is defined as two or more open cases pending in the Juvenile, Domestic Relations, and/or Domestic Violence Divisions among family members with issues concerning the same child(ren). cross over cases shall be coordinated, heard and determined in a manner that will minimize the number of times and places that a family has to appear in court and will minimize the possibility of conflicting determinations of the same or related case.

2. **Identification** - Cross Over Cases will be identified by:
 - a. The daily UFC Cross Over Reports that are generated by CITEs Department of the Administrative Office of the Courts;
 - b. Judges and court staff, and
 - c. Attorneys/litigants
3. **Notification** - The Case Coordinator, as designated by the Chief Judge, shall be notified upon the identification of these related cases by any of the three methods indicated above in IVA2(a-c) and will take the appropriate actions as delineated in Sections IVB - IVE of this Administrative Order.
4. **Transfer Order** - The Case Coordinator will prepare an order of transfer to be signed by the Complex Litigation Judge to whom the cross over case has been assigned.
5. **Resources** - In order to avoid duplication and maximize the efficient use of resources, all reports, evaluations, memoranda and orders pertaining to cross over cases shall be shared by the judges assigned to such cases, and shall be made available to all counsel and the parties for purposes of hearings, dispositions and resolution of the matters before the Court. To the extent that any issues of confidentiality may apply, all legal requirements shall be observed.
6. **Closed Cases/Post Judgment Matters** - When all issues of a cross over case have been finally resolved, the file will be closed and remain in the Complex Litigation Section, wherein such case was resolved, for all post judgment matters.

B. Domestic Relations/Juvenile Cross Over Cases

1. The Case Coordinator will review the cross over cases and will take the following actions:
 - a. **Dependency/TPR Case filed where there is an open Domestic Relations case.** The Dependency/TPR case will be transferred to the Complex Litigation Division (Section 48) located at the Lawson E. Thomas Courthouse. Any subsequent filings by the parties, (i.e., child support, domestic violence, etc.) will be automatically transferred to the Judge presiding over both cases.

- b. **Dependency/TPR case filed where there is closed Domestic Relations case.** The Case Coordinator will review the closed Domestic Relations case and forward all pleadings, settlement agreements, final orders and other relevant documents to the Juvenile Judge assigned the case. The Juvenile Judge shall confer with the Domestic Relations Judge, as applicable.
- c. **Domestic Relations case filed where there is an open Dependency case.** The Domestic Relations case will be transferred to the Complex Litigation Division (Section 48) located at the Juvenile Justice Center. Any subsequent filings by the parties, (i.e., child support, domestic violence, etc.) will be automatically transferred to the Judge presiding over both cases.
- d. **Domestic Relations case filed where there is closed Dependency case.** The Case Coordinator will review the closed dependency case and forward all pleadings, settlement agreements, final orders and other relevant documents to the Domestic Relations Judge. The Domestic Relations Judge shall confer with the Juvenile Judge, as applicable.
- e. **Juvenile Delinquency case filed where there is an open Domestic Relations Case or a Domestic Relations case is filed where there is an open Juvenile Delinquency case.** Upon being advised of the cross over case by the Case Coordinator, the Complex Litigation Judges shall immediately confer with the Judges regarding their respective cases to decide what is in the best interest of the parties. Such decision will be that (i) the Judges will sit jointly, (ii) a primary Judge will be designated between them who will hear the matters simultaneously or (iii) the cross over case will be assigned to the Complex Litigation Section (Section 48) located in the Juvenile Justice Center.

C. Domestic Relations / Domestic Violence Cross Over Cases

- 1. The following types of cases shall be specifically assigned in the following manner:
 - a. **Petition for Injunction Filed Where There is an Open Domestic Relations Case.** The case shall be set for Permanent Injunction hearing in the Domestic Violence Division and transferred to the Domestic Relations Division

only if the open Domestic Relations Division case was filed 6 months or more prior to the filing of the injunction case. If the Domestic Relations Division case was filed less than 6 months prior to the filing of the injunction case, the case shall be set for Permanent Injunction hearing in the Domestic Violence Division and transferred to the Domestic Relations Division only upon motion and good cause shown, as provided in Paragraph 3(e).

- b. **Petition for Injunction Filed Where There is a Closed Domestic Relations Division Case.** The case shall be set for final hearing in the Domestic Violence Division and transferred to the Domestic Relations Division only upon motion and good cause shown, as provided in Paragraph 3(e).
- c. **Domestic Relations Division Case Filed Subsequent to Entry of Temporary Injunction But Prior to Entry of Permanent Injunction.** The case shall be set for Permanent Injunction hearing in the Domestic Violence Division and transferred to the Domestic Relations Division only upon motion and good cause shown, as provided in Paragraph 3(e).
- d. **Motions for Transfer to the Domestic Relations Division.** These motions shall be filed with the Domestic Relations Division Judge, who will rule on the motion prior to the scheduled Permanent Injunction hearing. A two week extension of the Temporary Injunction may be granted by the Domestic Relations Division Judge to allow time for a determination of the request to transfer the Domestic Violence Injunction case. The original Motion for Transfer shall be filed with the Clerk of the Court, bearing the Domestic Violence and Domestic Relations Division case numbers, with courtesy copies of the motion to be sent to the Domestic Relations Division Judge and the Domestic Violence Division Judge who is scheduled to hear the Permanent Injunction.
- e. **Motions for Modification/Extension of Permanent Injunction Filed Where There is an Open Domestic Relations Division Case.** The case shall be set before the Domestic Violence Division judge and transferred to the Domestic Relations Division Judge only upon motion and good cause shown, as provided in Paragraph 3(e). If necessary, a fifteen (15) day extension of the Temporary

Injunction should be entered to preserve jurisdiction over the case prior to hearing.

- f. **Motions for Modification/Extension/Vacating of Permanent Injunction Filed Where There is a Closed Domestic Relations Division Case and the Domestic Violence Judge Entered The Permanent Injunction.** The case shall be set before the Domestic Violence Judge who entered the Permanent Injunction to preserve consistency of case disposition and judicial economy. If necessary, a fifteen (15) day extension of the Temporary Injunction should be entered to preserve jurisdiction over the case prior to hearing.
 - g. **Motions for Modification/Extension/Vacating of Permanent Injunction Filed Where There is a Closed Domestic Relations Division Case and the Domestic Relations Division Judge Entered the Permanent Injunction.** The case shall be set before the Domestic Violence Division Judge and transferred to the Domestic Relations Division Judge only upon motion and good cause shown, as provided in Paragraph 3(e). If necessary, a fifteen (15) day extension of the Temporary Injunction should be entered to preserve jurisdiction over the case prior to hearing.
- 2. The Domestic Violence Division shall work closely with the Domestic Relations Division of the Circuit Court, as well as the Criminal Division of the Circuit and County Courts, and the Juvenile Division of the Circuit Court to ensure that multiple judicial determinations concerning a single family complement, and do not conflict, with one another.

D. Juvenile Dependency/Delinquency Cross Over Cases

In order to create administrative coordination between the delinquency and dependency courts, where a juvenile has case(s) in both jurisdictions of the Juvenile Court Division, and to ensure that multiple determinations concerning a juvenile are complementary to, and do not conflict with one another, the Juvenile Court Division shall implement the following plan:

- 1. Establish a cross over division within the Juvenile Court Division for the dependency and delinquency cross-over cases ("Juvenile Court Cross over Division").
- 2. Assign a juvenile Judge to serve in the Juvenile Court Cross-over

Division.

3. Develop an adequate and effective case management system to identify these cross-over cases (where at least one of the delinquency and/or dependency case(s) are currently active) at various intake levels, (i.e., Juvenile Assessment Center, Miami-Dade Juvenile Detention Center, and Juvenile Clerk's Office), and have the Office of the Clerk of Court make appropriate divisional assignments to the new cross over division to handle these matters.
4. The Office of the Clerk of Court, with the assistance of the Court Information Technology Services (CITeS), will be responsible for establishing a case number system and statistical tracking methodologies for those cases assigned to the new juvenile court cross-over division.

E. Domestic Violence and Juvenile Cross Over Cases

1. This section shall apply to those cases wherein a matter is pending only in the Domestic Violence and Juvenile Divisions. This section does not apply to those cases wherein a case is also pending in the Domestic Relations Division.
2. The following types of cases shall be specifically assigned in the following manner:
 - a. **Petition for Injunction Filed Where There is an Open Juvenile Case.** The case shall be set for hearing before the Domestic Violence Judge and transferred to the Juvenile Division upon good cause shown in accordance with the procedure provided in Paragraph E 2(c).
 - b. **Petition for Injunction Filed Where There is a Closed Juvenile Case.** The case shall be set for final hearing in the Domestic Violence Division and transferred to the Juvenile Division Judge only upon motion and good cause shown, as provided in Paragraph E2(c).
 - c. **Motions For Transfer To The Juvenile Division.** These motions shall be filed with the Juvenile Division Judge, who shall rule on the motion prior to the scheduled Permanent Injunction hearing. A two week extension of the Temporary Injunction may be granted by the Juvenile Division Judge to allow time for a determination to be made as to the efficiency of the request to transfer the Domestic Violence Injunction

case. The original Motion for Transfer shall be filed with the Clerk of the Court, bearing the Domestic Violence and Juvenile Division case numbers, with courtesy copies of the motion to be sent to the Juvenile Division Judge and the Domestic Violence Division Judge who is scheduled to hear the Permanent Injunction.

V. Periodic Evaluation of Unified Family Court

The Unified Family Court shall be evaluated by the Chief Judge, or his/her designee(s), every quarter to determine its effectiveness in implementing this Circuit's goal of addressing family law matters in a comprehensive, coordinated manner. Such evaluation shall consist of, but not be limited to: (i) a review and analysis of statistical data provided by the Administrative Case Coordinator, in conjunction with CITEs, detailing the amount and types of cross over cases handled during the quarter and (ii) anecdotal documentation of cross over cases provided by participants in the cases (i.e., judiciary, attorneys, litigants, etc.).

This Order shall take effect upon execution and shall remain in effect until further order of this Court. Administrative Order No. 01-16 is hereby rescinded and held for naught. The Clerk of the Court is hereby directed to file a copy of this Administrative Order in Case No. 03-1 (Court Administration).

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 29th day of October, 2003.

**JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**