

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2017-031
(Supersedes Administrative Order S-2016-057)**

JUVENILE DEPENDENCY DIVISION

It is necessary for the proper and efficient administration of justice to update the provisions governing assignment of juvenile dependency cases.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is ORDERED:

1. Divisions

Juvenile dependency matters will be administered by eight judicial divisions. The judicial divisions are designated as Division "B," Division "C," Division "D," Division "I" (Independent Living Transition Services), Division "J" (Dependency Drug Court), Division "M" (Dependency Crossover), Division "S" and Division "V" (Dependency Specialty).

2. Assignment of Cases

A. April 24, 2017

Effective April 24, 2017, upon the filing of a shelter petition, the Clerk of the Circuit Court (clerk) will designate a case number and assign the petition using a random assignment system to Division "B," "C," "D" or "S" at a ratio of 0:1:1:1. The clerk will assign all subsequently-filed petitions, except petitions involving a minor seeking special immigrant status, to the division to which the shelter petition was assigned. If an initial shelter petition was not filed, effective April 24, 2017, the clerk will assign all other new petitions (dependency, child abuse injunctions, and termination of parental rights), except petitions involving a minor seeking special immigrant status, using a random assignment system to Division "B," "C," "D" or "S" at a ratio of 0:1:1:1.

B. July 1, 2017

Effective July 1, 2017, upon the filing of a shelter petition, the clerk will designate a case number and assign the petition using a random assignment system to Division "B," "C," "D" or "S" at a ratio of 1:2:2:2. The clerk will assign all subsequently-filed petitions, except petitions involving a minor seeking special immigrant status, to the division to which the shelter petition was assigned. If an initial shelter petition was not filed, effective July 1, 2017, the clerk will assign all

other new petitions (dependency, child abuse injunctions, and termination of parental rights), except petitions involving a minor seeking special immigrant status, using a random assignment system to Division “B,” “C,” “D” or “S” at a ratio of 1:2:2:2.

3. Shelter Hearings

For purposes of this provision, the term “dependency judge” means any judge assigned to the Juvenile Dependency Division or a judge or senior judge who has previously presided over dependency proceedings.

Regardless of the division assignment, all shelter petitions will be considered at a shelter hearing conducted by a dependency judge each non-holiday weekday at 1:30 p.m. The dependency judges presiding in Divisions “B,” “C,” “D,” “J,” “M,” “S,” and “V” will preside over shelter hearings on a weekly rotating basis. Judges presiding in other subject matter divisions who have previously presided over dependency proceedings may offer assistance in the shelter hearing rotation schedule.

The clerk will assign an arraignment date at the shelter hearing. All parties present at the shelter hearing will be informed of the arraignment date assigned to their case.

The court will advise any parent of the right to have counsel present and appoint registry counsel to indigent parents unless intelligently waived. Court-appointed attorneys will be assigned to cover shelter hearings on a weekly basis. The associate administrative judge of the Juvenile Dependency Division will maintain a list of court-appointed attorneys eligible for appointment and the weekly schedule of assignments.

4. Dependency Petitions Involving a Minor Seeking Special Immigrant Status

Petitions for dependency involving a minor seeking special immigrant status will be assigned to Dependency Specialty Division “V.” To assist the clerk in identifying such petitions the party filing the petition must title the petition “Petition for Dependency Involving Minor Seeking Special Immigrant Status.”

5. Petitions for Child Abuse Injunctions

If the dependency judge issues a temporary injunction, the return hearing will be scheduled by the clerk in Family Law Division “G” or “H” based on a random equitable basis. If a motion to modify or dissolve a final injunction is filed, the motion will be heard in the division in which the return hearing was conducted.

6. Termination of Parental Rights Petitions

The judges presiding in Divisions “B,” “C,” “D” and “S” will coordinate with the judges presiding in Juvenile Crossover Division “M” and Juvenile Dependency Specialty Division “V” regarding adjudicatory and post-disposition hearings in termination of parental rights cases.

7. Reactivation of Protective Services

If a motion is filed to reactivate protective services supervision on a closed case or if a new shelter, dependency, or termination of parental rights petition is filed concerning a new child born into a family with an already existing case, the motion or petition will be assigned to the division in which the corresponding case was last pending or is currently pending. If the Office of the Attorney General, Division of Children’s Legal Services (CLS) or Guardian Ad Litem Program (GAL) files such a motion or petition, the CLS or GAL will include the appropriate division designation on the first page of the motion or petition. If the clerk discovers any inaccuracy in the division designation on the motion or petition, the clerk will rectify such inaccuracy so that the motion or petition is filed in the appropriate division. If any other person files such a motion or petition, the clerk will file the motion or petition and immediately consult with the associate administrative judge for determination of the appropriate division assignment.

8. Juvenile Divisions “M” and “V”

The presiding judges in Divisions “M” and “V” are responsible for providing equitable backup relief to the Juvenile Dependency Division. Backup responsibilities include, but are not limited to: handling all dependency related petitions under chapters 984 (CINS/FINS), Florida Statutes; presiding over adjudicatory, disposition and post-disposition hearings in dependency cases; presiding over adjudicatory and post-disposition hearings in termination of parental rights cases; covering any juvenile dependency division’s docket matters when the regularly assigned judge is unavailable and handling any other matters that might appear on a juvenile dependency division’s calendar. Prior to transferring any matter from Division “B,” “C,” “D,” or “S” to Division “M” or “V” in accordance with this provision, the affected presiding judges must consult with each other. A case may be transferred to Division “M” or “V” only by an Order of Transfer issued by the presiding judge of Division “M” or “V.”

9. Dependency Drug Court Division “J”

For purposes of this provision, the term “drug court model” means a case management system for parents, guardians and any other person seeking custody of a child in which court supervised drug treatment is used in promoting substantial

compliance with a case plan. The treatment may include, but is not limited to, varying levels of drug treatment enforced by the court through its contempt powers or implementation of sanctions or both. The drug court model applies a protocol which utilizes case managers, substance abuse evaluators and treatment modalities to aid the court in fashioning appropriate substance abuse treatment and utilizing frequent case reviews as needed.

At shelter hearings, in accordance with established eligibility criteria, substance abuse evaluators will identify and notify the presiding judge of any case in which the drug court model may be appropriate. If the substance abuse evaluator has identified a case in which the drug court model may be appropriate, at any time after the disposition hearing, the presiding judge in Division "B," "C," "D," "M," "S" or "V" may transfer that case to Dependency Drug Court Division "J" for court supervision under the drug court model.

10. General Magistrates

Nancy Neaves and Tracy L. Ellis are appointed as general magistrates and will serve under the direction of the associate administrative judge of the Juvenile Dependency Division. The general magistrates may hear any juvenile dependency case referred for the purpose of judicial review or any other related matter authorized by the Florida Rules of Juvenile Procedure.

Upon the filing of any juvenile dependency matter that may be referred to a general magistrate, any party may submit to the judge assigned to the case a proposed Order of Referral to the General Magistrate. Any objection to a referral must be in writing and filed within 10 days of the date of service of the signed order of referral. If an objection is filed, the case will remain with the judge.

When a matter is referred to the general magistrate, the matter referred will be set for hearing on a specific date and at a specific time before the general magistrate. The general magistrate will proceed with the hearing and the preparation and filing of reports in the manner set out in Florida Rule of Juvenile Procedure 8.257.

11. Reassignment of Case upon Judge's Disqualification

If a judge in Juvenile Dependency Division "B," "C," "D," or "S" enters an order of disqualification, the clerk will reassign the case randomly and equitably to one of the other three standard divisions in the Juvenile Dependency Division. If all four judges in Juvenile Dependency Division "B," "C," "D," and "S" enter orders of disqualification, the clerk will randomly and equitably reassign the case

to Juvenile Crossover Division “M” or Juvenile Dependency Specialty Division “V.”

If the presiding judge in Juvenile Crossover Division “M” enters an order of disqualification, the clerk will reassign the case to Juvenile Dependency Specialty Division “V.” If the presiding judge in Juvenile Dependency Specialty Division “V” enters an order of disqualification, the clerk will reassign the case to Juvenile Crossover Division “M.” If both presiding judges in Divisions “M” and “V” enter orders of disqualification, the clerk will reassign the case to a standard division in accordance with the above paragraph.

If all of the judges in Juvenile Dependency Division “B,” “C,” “D,” “S,” “M” and “V” enter orders of disqualification, the clerk will transfer the case to a deputy clerk assigned to the Family Law Division for random reassignment to one of the divisions in the Family Law Division.

If the presiding judge in Dependency Drug Court Division “J” enters an order of disqualification, the clerk will reassign the case to the Dependency Division from which the case was originally transferred to Division “J.”

If the presiding judge in Independent Living Transition Services Division “I” enters an order of disqualification, the clerk will reassign the case to the Dependency Division from which the case was originally transferred to Division “I.”

12. Motions, Petitions and Other Documents

A. Scheduling

i. Attorneys

Attorneys may obtain available hearing times and schedule hearings on a judge’s calendar by accessing the Judicial Automated Workflow System (JAWS) at: <https://jaws.fljud13.org/System/login.aspx> or by telephoning the judge’s judicial assistant.

ii. Self-Represent Litigants

After any self-represented litigant files a motion with the clerk, a representative of the Dependency Case Management Unit will contact the self-represented litigant for scheduling of the matter on the assigned judge’s calendar or other necessary action. Self-represented litigants may obtain a form motion at: http://www.fljud13.org/Portals/0/Forms/pdfs/fiu/dependency_pkt.pdf.

B. Form

Every motion, petition or other document must have the name of the court, uniform case number, and division letter for the child or children, and must be styled in accordance with Florida Rule of Juvenile Procedure 8.220.

C. Notices of Hearing

Every notice of hearing must state the length of time reserved on the judge's calendar for the hearing and specify which matters are to be heard. Notices of hearing specifying that the hearing is on "all pending motions" will not be accepted for filing. There will be no cross-noticing on hearing time unless the opposing counsel or party contacts the judge's judicial assistant and determines if the docket will accommodate hearing additional matters at the same time.

13. Orders and Judgments

A. Consultation with Opposing Counsel or Party

Unless the presiding judge directs otherwise, prior to submitting a proposed order for the court's consideration after a hearing, the attorney or self-represented litigant submitting the proposed order must consult with opposing counsel or the opposing self-represented litigant within five days after the court's decision and make a genuine effort to agree on the language of the proposed order.

B. Objections

If, after consultation with opposing counsel or the opposing self-represented litigant, the parties cannot agree on the language in the proposed order or judgment to be submitted to the court, then the attorney or self-represented litigant submitting the proposed order or judgment must document in a cover letter that the opposing party or counsel has registered an objection and specifically state what the objection is. At the time the cover letter and proposed order or judgment is submitted to the court, a copy must simultaneously be sent to all parties or their attorneys. If an objection is registered, the court will determine if a hearing is necessary to resolve the dispute.

C. Timely Submission

All proposed orders or judgments will be submitted to the court by the attorney or self-represented litigant directed to prepare the order within 10 days of the court's decision. If the designated attorney or self-represented litigant fails to timely submit a proposed order or judgment, the attorney for the opposing party or the opposing self-represented litigant may submit a proposed order or judgment within 5 days after the initial ten-day period.

D. Submission of Proposed Orders and Judgments

i. JAWS – All Parties Represented by Counsel

Unless the presiding judge directs otherwise, if all parties are represented by attorneys, none of whom have been excused from e-mail service under Florida Rule of Judicial Administration 2.516, an attorney who is requested to submit a proposed order or judgment will do so through the JAWS. Attorneys must comply with the presiding judge's formatting preference (Microsoft Word v. PDF) posted on the presiding judge's webpage when submitting a proposed order or judgment through the JAWS.

Prior to the submission of a proposed order or judgment to the presiding judge through the JAWS, the submitting attorney will be required to certify that one of the following statements is true: (i) all parties have agreed to the content of the proposed order or judgment; (ii) an included cover letter documents the specific objection(s) to the proposed order or judgment; or (iii) opposing counsel has not responded within five business days of being provided the proposed order or judgment.

ii. Hard Copies and Envelopes – Self-Represented Party or Party's Attorney Excused from E-Service

If any party is self-represented or represented by an attorney who has been excused from e-mail service by the court under Rule 2.516, the party or attorney who is requested to submit a proposed order or judgment will do so by submitting to the presiding judge sufficient hard copies of the proposed order or judgment along with stamped, addressed envelopes.

E. Title

All proposed orders and judgments submitted to the judges must contain, in the title of the order, the exact nature of the court's ruling and must fairly apprise the reader of the action being ordered. Phrasing such as "order granting. . ." or "order denying. . ." is preferred over "order on. . ."

F. Form

No proposed order or judgment will be submitted to a judge unless the order contains in the body of the order a reference to the date(s) of the hearing during which the subject matter of the order or judgment was argued before the court and the names of the parties and counsel present. Every proposed order and judgment must also contain the name of the court, uniform case number, and division letter for the child or children, and be styled in accordance with Florida Rule of Juvenile Procedure 8.220. Any submission of a proposed order or judgment by an attorney

will be considered a representation that the attorney has read it and that it is submitted in good faith in accordance with the findings and decision of the court.

14. Cancellation of Hearings

No hearing may be canceled without the consent of all parties, approval of the court, and notice to the clerk.

15. Continuances

In accordance with Florida Rule of Juvenile Procedure 8.255(f), the court may grant a continuance for good cause shown, as permitted by law. *See* § 39.0136, Fla. Stat. Counsel seeking a continuance will file an appropriate motion and notice of hearing and will be present for hearing on the motion. All motions for continuance will explain what effect the motion will have on the progress of the case. *See* Fla. R. Jud. Admin. 2.545(e). No hearing or other proceeding will be continued upon stipulation of counsel alone. All motions for continuance of a hearing will be filed and heard prior to the scheduled hearing date.

Failure to complete discovery will not constitute cause for a continuance unless such failure is brought to the attention of the court at least five working days in advance of any scheduled hearing date and the failure is not the result of lack of diligence in pursuing such discovery. Except for good cause shown, no continuance will be granted because a witness has not been served with a subpoena, unless the moving party has attempted service at least five working days before the return date.

16. Emergency Matters

All judges will be available to handle emergency matters arising in their respective divisions unless arrangements have been made with another judge to substitute during any absence. The associate administrative judge of the Juvenile Dependency Division will handle emergency matters if the assigned or substitute judge is not available.

17. Professional Conduct and Courtroom Decorum

Counsel must also adhere to The Florida Bar's Guidelines for Professional Conduct (<http://www.floridabar.org>), The Florida Bar's Professionalism Expectations (<http://www.floridabar.org>), and the Hillsborough County Bar Association's Standards of Professional Courtesy (<http://www.hillsbar.com>). Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines, Expectations, or Standards as that judge deems appropriate.

18. Attorneys' Obligation to Notify Court of Other Proceedings

Counsel are obligated to notify the court, as soon as it becomes known to counsel, of the existence of any other court proceeding in the Thirteenth Judicial Circuit or any other jurisdiction that may be relevant to the subject matter before the court affecting the custody, visitation, or support of a child.

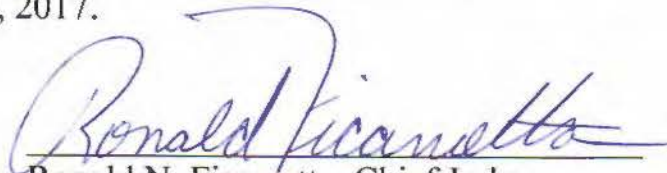
19. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2016-057 (*Juvenile Dependency Procedures*).

20. Effective Date

Except as otherwise provided in section 2, this administrative order is effective immediately.

ENTERED in Tampa, Hillsborough County, Florida nunc pro tunc April 24, 2017 on April 28, 2017.


Ronald N. Ficarrotta, Chief Judge

Attachments: Oaths of General Magistrates

Original to: Pat Frank, Clerk of the Circuit Court

Copy to: All Juvenile Dependency Judges and General Magistrates
Gina Justice, Trial Court Administrator
Mike Carroll, Department of Children & Families
Liza Ricci, Guardian ad Litem Program
Hillary Shaughnessy, Eckerd Youth Alternatives
Stephanie Bergen, Office of the Attorney General, Children's Legal Services
Marisa Gonzalez, Regional Counsel's Office
Heather Grates, Hillsborough County Sheriff's Office
Martha Kempgens, Case Management Unit

OATH OF TRACY ELLIS - GENERAL MAGISTRATE

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

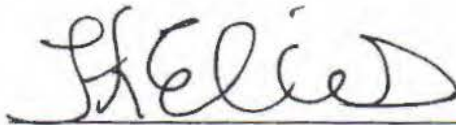
I do solemnly swear (or affirm):

That I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida;

That I am duly qualified to hold office under the Constitution of the state; and

That I will well and faithfully perform the duties of General Magistrate on which I am now about to enter.

So help me God.

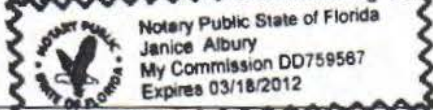


Signature

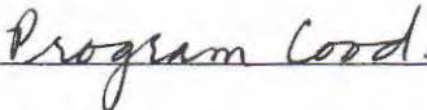
The foregoing instrument was sworn to and subscribed before me this 17th day of November, 2008, by Tracy Ellis who is personally known to me and who did take an oath.



Signature and Seal of Official Administering Officer



Name of Official Typed, Printed or Stamped



Title

OATH OF NANCY J. NEAVES - GENERAL MAGISTRATE

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

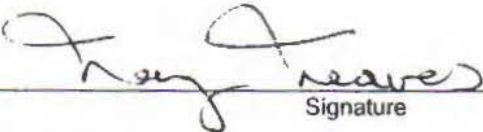
I do solemnly swear (or affirm):

That I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida;

That I am duly qualified to hold office under the Constitution of the state; and

That I will well and faithfully perform the duties of General Magistrate on which I am now about to enter.

So help me God.



Signature

The foregoing instrument was sworn to and subscribed before me this 4th
day of February, 2010, by Nancy J. Neaves who is personally known to me and
who did take an oath.



Signature and Seal of Official Administering Oath

Manuel Menendez, Jr.

Name of Official Typed, Printed or Stamped

Chief Judge

Title