

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

**ADMINISTRATIVE ORDER S-2023-043
(Supersedes Administrative Order S-2023-025)**

JUVENILE DEPENDENCY DIVISION

As a result of Administrative Order S-2023-042 revising the process by which petitions filed in accordance with section 390.01114, Florida Statutes, are handled, it is necessary for the proper and efficient administration of justice to revise certain assignment provisions in the Juvenile Dependency Division. 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 General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. Divisions

Juvenile dependency matters will be administered by the following six judicial divisions:

Division Letter	Type of Division
"C"	Standard
"D"	Standard
"I"	Independent Living Transition Services ¹
"J"	Dependency Drug Court
"S"	Standard
"V"	Dependency Specialty

2. Assignment of Cases

A. New Cases

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 equitable assignment system to one of the standard dependency divisions. 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, 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 equitable assignment system to one of the standard dependency divisions.

B. Cases Pending in Crossover Division “M”

On or before the effective date of this administrative order, the clerk will reassign all crossover cases (dependency and delinquency cases involving the same family) that are pending in Juvenile Crossover Division “M” to Juvenile Delinquency Division “F.” The judge presiding in Juvenile Delinquency Division “F” will determine at the next hearing whether to retain the crossover dependency case(s) involving the allegedly delinquent juvenile or transfer the crossover dependency case(s) to the appropriate dependency division. All crossover delinquency cases will be handled in Juvenile Delinquency Division “F.”

3. Shelter Hearings

A. Dependency Judge

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.

B. Rotation Schedule

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 “C,” “D,” “J,” “S,” and “V” will preside over shelter hearings on a weekly rotating basis.² Judges presiding in other subject matter divisions who have previously presided over dependency proceedings may offer assistance in the shelter hearing rotation schedule. The associate administrative judge of the Juvenile Dependency Division will maintain the schedule of judges presiding over weekly shelter dockets.

C. Arraignment Date

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.

D. Court-Appointed Counsel

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

Any petition requesting that the court make the necessary findings to permit a minor to apply for Special Immigrant Status will be assigned to Dependency Specialty Division "V." If a judge assigned to any of the other dependency divisions determines that a pending petition is requesting such relief, the judge will confer with the administrative judge of the Unified Family Court so that the petition can be scheduled and disposed of in Dependency Specialty Division "V."

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," "H," or "K" 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 the standard dependency divisions will coordinate with the judge presiding in 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. Transfer of Cases Involving Same Father

A. Standard Divisions

If it is discovered that a father is a party in multiple dependency cases with different mothers pending in different standard dependency divisions, the cases should be transferred by the clerk to the standard dependency division with the lowest case number and heard in that division as companion cases. Unless otherwise ordered by the presiding judge in the standard division with the lowest case number, the transferred companion cases should not be consolidated.

B. Non-Standard Divisions

If a father is a party in multiple dependency cases with different mothers any one of which is pending in a non-standard dependency division, the case(s) pending in the non-standard division should only be transferred by the clerk to the standard dependency division with the lowest case number if the presiding judges in both the standard division and non-standard division consent to the transfer.

9. Consultation Regarding Crossover Cases

On and after the effective date of this administrative order, if a judge presiding in the Juvenile Dependency Division becomes aware of a delinquency case involving a juvenile who is subject to a pending dependency case or termination of parental rights case, the judge may consult with the judge presiding in the Juvenile Delinquency Division to determine whether it would be appropriate

to transfer either the delinquency case or the dependency / termination of parent rights case to the other judge's division. A case should only be transferred by clerk to the other subject matter division if both the presiding judges in the dependency division and the delinquency division consent to the transfer.

10. Juvenile Division "V"

The presiding judge in Division "V" is responsible for providing equitable backup relief to the standard dependency divisions. 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 a standard dependency division to Division "V" in accordance with this provision, the affected presiding judges must consult with each other. A case may be transferred to Division "V" only by an Order of Transfer issued by the presiding judge of Division "V."

11. 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 “C,” “D,” “S,” or “V” may transfer that case to Dependency Drug Court Division “J” for court supervision under the drug court model.

12. Reassignment of Case upon Judge’s Disqualification

If a judge in a standard dependency division enters an order of disqualification, the clerk will reassign the case randomly and equitably to one of the other two standard divisions in the Juvenile Dependency Division. If all three judges in the standard dependency divisions enter orders 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 the standard dependency division from which the case was originally transferred to Division “V,” or if the case was originally assigned to Division “V,” the clerk will reassign the case randomly to one of the standard dependency divisions.

If all of the judges in Juvenile Dependency Division “C,” “D,” “S,” 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 standard 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 standard dependency division from which the case was originally transferred to Division “I.”

13. 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 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.

14. 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. Unopposed Proposed Orders and Judgments

a. Submission through the Portal

Proposed orders and judgments should be submitted through the Florida Courts E-Filing Portal (Portal) only when all parties have agreed to the form and content of the order or judgment or when no objection has been raised within five business days. The Portal should not be used to submit proposed orders or judgments if anyone entitled to receive a copy cannot be served by e-mail.

b. Format

All proposed orders and judgments submitted through the

Portal must be in in Portable Document Format (PDF) or PDF/A (Portable Document Format for Archiving) unless specifically directed otherwise by the court so that the court may make specific findings of fact or conclusions of law. PDF or PDF/A proposed orders and judgments should be created directly from the computer, using “save as” PDF or PDF/A or printing to PDF or PDF/A, not by printing the proposed order or judgment on paper and then scanning it. Exhibits or attachments to the proposed order or judgment, however, may be scanned from paper documents.

c. Paper Copies

If any party is represented by an attorney who has been excused from e-mail service by the court under Rule 2.516, the movant’s attorney must submit to the presiding judge sufficient paper copies of the proposed order along with stamped, addressed envelopes. If any party is self-represented and is directed by the presiding judge to submit a proposed order to the court without a direction regarding the specific method for submission, the self-represented party may either submit the proposed order through the Portal or may submit sufficient paper copies of the proposed order along with stamped, addressed envelopes to the presiding judge.

ii. Opposed Proposed Orders and Judgments

When a proposed order or judgment has not been agreed to, the proposed order or judgment must be served on all other parties and submitted to the judicial assistant by United States Mail, courier delivery service or hand delivery. Sufficient conformed copies of the proposed order or judgment along with stamped, addressed envelopes must also be submitted to the judicial assistant. The proposed order or judgment must include a cover letter indicating the specific objection(s) of all other parties and a copy of the other party’s proposed order or judgment, if available. If a copy of the other party’s proposed order or judgment is not available at the time the proposed order or judgment is submitted to the court, the other party must submit a copy of their proposed order or judgment along with a cover letter within five business days after the other party submitted the original opposed proposed

order or final judgment to the court.

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.

15. Cancellation of Hearings

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

16. Continuances

In accordance with Florida Rule of Juvenile Procedure 8.255(h), 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. Gen. Prac. & 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.

17. 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.

18. Professional Conduct and Courtroom Decorum

Counsel must adhere to The Florida Bar's Guidelines for Professional Conduct,³ The Florida Bar's Professionalism Expectations,⁴ and the Hillsborough County Bar Association's Standards of Professional Courtesy.⁵ 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.

19. 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.

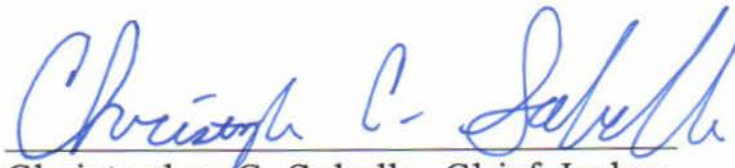
20. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2023-025 (*Juvenile Dependency Division*).

21. Effective Date

This administrative order is effective immediately.

ENTERED on August 9th, 2023.



Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court

Copy: All Juvenile Dependency Judges and General Magistrates
Gina Justice, Trial Court Administrator
Shevaun Harris, Department of Children & Families
Rick Dragotto, Guardian ad Litem Program
Michelle Farquharson, Quality Management Director,
Children's Network of Southwest Florida
Sarah Hawk, Managing Attorney, Children's Legal
Services
Jonathan Jenkins, Regional Counsel's Office
Jennifer Hock, Hillsborough County Sheriff's Office

¹ Procedures for Independent Living Transition Services Court are found in Administrative Order S-2008-159 (*Independent Living Transition Services Court*).

² Because the schedule of judges presiding over weekly shelter dockets had included the presiding judge of Juvenile Crossover Division "M" prior to the abolition of Division "M," arrangements have been made for judicial coverage of the weeks assigned to Division "M."

³ <https://www.floridabar.org/prof/presources/presources002/>

⁴ <https://www.floridabar.org/wp-content/uploads/2017/04/professionalism-expectations.pdf>

⁵ <https://www.hillsbar.com/page/Professionalism>