

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

**CASE NO. 17-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 17-8**

**(Rescinding Administrative Order
Nos. 02-03, 02-14, 02-14-A1, 02-14-A2,
03-15, 10-08, and 16-02)**

**IN RE: REAFFIRMATION OF UNIFIED)
FAMILY COURT PLAN AND)
ESTABLISHMENT OF PROCEDURES)
FOR UNIFIED CHILDREN'S COURT)
DIVISION IN THE ELEVENTH)
JUDICIAL CIRCUIT OF FLORIDA)
_____)**

WHEREAS, the Florida Supreme Court, in *In re Report of the Commission on 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 thereof is of such limited size that it is unable to administratively justify such a court; and

WHEREAS, the Florida Supreme Court in *In re Report of the Commission on Family Courts*, 633 So. 2d 14 (Fla. 1994) provisionally approved the local rules and administrative orders submitted by the respective circuits giving the opportunity to review and revise the plans in accordance with this opinion in the context of local rules requirements; and

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

WHEREAS, the Florida Supreme Court, in *In re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001), 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, the Florida Supreme Court, in *In re Amendments to the Florida Rules of Judicial Administration and In re Florida Family Law Rules of Procedure*, 132 So. 3d 1114 (Fla. 2014), adopted proposed amendments of the Steering Committee providing for case management of open related family cases through the filing of a Notice of Related Cases, for all related family cases involving the same family and/or children to be handled before one judge (“one family, one judge”), for a more formal manner of coordination of related cases and hearings, and for the access and review of related family files by the judiciary and parties; and

WHEREAS, pursuant to Administrative Order No. 01-16, dated October 19, 2001, the Unified Family Court for the Eleventh Judicial Circuit of Florida was established to provide a comprehensive, coordinated approach to addressing family law matters; and

WHEREAS, pursuant to Administrative Order 03-15, the Unified Family Court Plan was reaffirmed and the Complex Litigation Section (formerly known as Complex Litigation Division) was established to implement the Unified Family Court in the Eleventh Judicial Circuit of Florida to provide a comprehensive, coordinated approach to addressing family law matters, thereby rescinding Administrative Order 01-16; and

WHEREAS, the policies and procedures outlined in Administrative Order 03-15, and as amended in Administrative Order 16-02, 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 Eleventh Judicial Circuit Court and thus subject to change at any time; and

WHEREAS, pursuant to the advancement of the Eleventh Judicial Circuit's Unified Family Court model in accordance with the aforementioned Florida Supreme Court opinions, this court Division will hereby be referred to as the Eleventh Judicial Circuit's Unified Children's Court Division from this point forward, and encompass Judges assigned from both of the court Divisions previously and heretofore traditionally referred to as the Juvenile and Unified Family Court Divisions; and

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

I. UNIFIED CHILDREN'S COURT DIVISION STRUCTURE AND JURISDICTION

A. The following types of Related Cases are included in the Unified Children's Court (UCC) Division:

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, including, but not limited to, disestablishment of paternity
6. child support
7. Uniform Reciprocal Enforcement of Support Act/ Uniform Interstate Family Support Act (URESА/UIFSA)
8. custodial care of and access to children, including, but not limited to, relocation and temporary or concurrent custody of minor children by extended family
9. adoption
10. name change
11. declaratory judgment actions related to premarital, marital, or post marital agreements

12. civil domestic, repeat, dating, stalking and sexual violence injunctions
13. juvenile dependency
14. termination of parental rights
15. juvenile delinquency
16. emancipation of a minor
17. Children in Need of Services/ Families in Need of Services (CINS/FINS)
18. truancy
19. modification and enforcement of orders entered in these cases

- 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 *In re Amendments to the Florida Rules of Judicial Administration and In re Florida Family Law Rules of Procedure*, 132 So. 2d 1114 (Fla. 2014), the Eleventh Judicial Circuit's Unified Children's Court Division will be comprised of Unified Children's Court Dependency, Delinquency, and Family Judges, who will be assigned Related Juvenile Dependency, Juvenile Delinquency, Civil Domestic Violence Injunction, and Family cases, as set forth herein.
- B.** All Administrative Orders pertaining to the Juvenile, Domestic Violence, and Domestic Relations Divisions will be effective, if applicable, to the cases assigned to the Unified Children's Court Division.
- C.** The Chief Judge of this Circuit or the designated Administrative Judge of the Unified Children's Court Division will manage and be responsible for:
1. Ensuring that the Circuit's policy, operating procedures, and administrative orders for implementation of the Unified Children's Court are followed;
 2. Periodically evaluating the progress of the Unified Children's Court Division;
 3. Coordinating the development of resources that may be required by various courts dealing with Unified Children's Court Division 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 Unified Children Court cases,

including but not limited to state attorneys, public defenders, regional counsel and court-appointed counsel, 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 the Unified Children Court Division. This includes mandated training for Judges to appropriate initial and continuing judicial education and reference materials.
- D. The Chief Judge, through the utilization of the Circuit's Rotation Policy, shall appoint Judges to serve in the Unified Children's Court Division located at the Miami-Dade Children's Courthouse, or another designated location.
 - E. All Judges who are assigned to the Unified Children's Court Division for the first time and who have not served a minimum of two years in the Juvenile, Domestic Relations, and Domestic Violence Divisions respectively, should receive mandatory training before assuming the assignment, or preferably within 6 month after assuming the assignment, in accordance with course availability. This training shall consist of the legal fundamentals of family, domestic violence, juvenile dependency, juvenile delinquency and child development of both healthy and maltreated children. The training includes, but is not limited to, fundamentals at Phase II of Judicial College, and the 16 hour domestic violence training provided by the Office of the State Courts Administrator, or other state or nationally accredited domestic violence course.
 - F. All Unified Children's Court Division Judges shall be cross-trained and cross-designated for the purposes of handling all assigned matters, as set forth below:

The Unified Children's Court Family Specialty Judges shall be cross-designated as Juvenile (Delinquency and Dependency), Domestic Relations and Domestic Violence Judges for purposes of hearing all assigned matters.

The Unified Children's Court Dependency Specialty Judges shall be cross-designated as Juvenile (Delinquency and Dependency) and Domestic Violence Judges for purposes of hearing all assigned matters.

The Unified Children's Court Delinquency Specialty Judges shall be cross-designated as Juvenile (Delinquency and Dependency) and Domestic Violence Judges for purposes of hearing all assigned matters.

III. ESSENTIAL ELEMENTS

The following elements, as set forth in *In re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001), are essential or fundamental to the Unified Children's Court Division:

- 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 Unified Children's Court cases involving abused, abandoned or neglected children, and children at risk of harm to the extent such services are available.
- F. **General Magistrates/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-** Ensuring referral by the court of crisis intervention and long-term counseling/treatment programs and that compliance is monitored when such services are court ordered.
- K. **Security-** Providing adequate and sufficient security personnel and equipment to ensure that court divisions are safe environments for judges, non-judicial staff, and the public.
- L. **Technology-** To provide computer hardware, systems, and training to access information essential to case management and coordination; to print forms and notices immediately; to provide electronic filing access and other associated

electronic applications; to generate statistical reports; to provide public and interagency access to records; and to allow teleconferencing and appearance of witnesses by electronic means.

IV. OPERATIONAL PROTOCOL, COORDINATION AND TRANSFER OF RELATED CASES

A. Operational Protocol- The operational protocol for handling Related Cases will be followed as established by the Clerk of Court and Administrative Office of the Courts (AOC), in conjunction with those protocols established by the Unified Children's Court, 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 mandates of the Florida Supreme Court are being followed by this Circuit.

1. Definition- A **Related Case** is defined as two or more cases in the Domestic Relations and/or Domestic Violence Divisions, and/or Juvenile Dependency and/or Delinquency case(s), which involve any of the same parties, children, or issues. Related Cases involving the same family shall be handled before one judge in order that they 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- Related Cases will be identified by:

a. Notice of Related Cases- In accordance with Florida Rule of Judicial Administration 2.545(d)(4), a fully completed Notice of Related Cases shall be filed with the initial pleading by the filing attorney or self-represented petitioner in each of the Related Cases that are currently open and pending with the court and served on all other parties in each of the Related Cases. Parties may file joint notices. To the extent that any issues of confidentiality apply, all legal requirements shall be observed, including any requirements as set forth in Florida Rule of Judicial Administration 2.420. Parties shall file supplemental notices as Related Cases become known or reasonably ascertainable.

b. The AOC Unified Children's Court Division staff, in conjunction with the Clerk of Court, shall be responsible for identifying Related Cases upon the filing of a new case or one reopened post-judgment when provided with notice or court order. Upon identification, the Clerk's Office shall enter Related Cases into the Related Case and Case Cross Reference fields in Odyssey, and link all Related Cases together in the system.

- c. Judges and court staff, including, but not limited to, the Family Court Self Help Program.
 - d. System and agency partners.
3. **Notification-** The AOC Unified Children's Court Division staff shall be notified of these Related Cases by any of the methods indicated above in IV.A.2.a-d and will take the appropriate actions as delineated in Section IV.B. of this Administrative Order.
 4. **Reassignment/Transfer Timeframes-** Until such time as a Related Case is officially transferred by the Clerk of Court to the Unified Children's Court Division, the designated Division Judge shall continue to hear all matters in that case to ensure compliance with all state and federal statutes, rules, and regulations.
 5. **Reassignment/Transfer Order-** A Reassignment/Transfer Order shall be issued only by the Unified Children's Court Administrative Judge in instances where Related Cases have not been blind filed into the Unified Children's Court Division or assigned pursuant to a Standing Order of Reassignment/Transfer.
 6. **Reassignment/Transfer Errors-** If the reassignment/transfer of a case is conducted in error, upon clarification of no open Related Cases, the Unified Children's Court Administrative Judge shall issue the Order to vacate and the case shall be reassigned/assigned to the appropriate Division.
 7. **Resources-** To avoid duplication and maximize the efficient use of resources, all reports, evaluations, memoranda and orders pertaining to Related Cases shall be made accessible to the Unified Children's Court Judge assigned to such cases, and to all counsel and the parties for purposes of hearings, dispositions and resolution of the matters before the Unified Children's Court. To the extent that any issues of confidentiality may apply, all legal requirements shall be observed.
 8. **Closed Cases/Post-Judgment Matters-** When all Unified Children's Court issues have been resolved, the matter will be closed and remain in the Unified Children's Court Division. Any Related Cases that are reopened which are part of the Unified Children's Court matter will remain in the Unified Children's Court Division through case disposition and for all post-judgment activity.
 9. **Subsequent Related Case Filings-** Any subsequent Related Case filings involving the same parties, children, or issues shall be assigned by the Clerk of Court to the same Unified Children's Court section, to be handled

through case disposition, including when any Related Cases open post-judgment.

B. Related Case Type Categories – Generally, the operational protocol will be as follows:

1. **Domestic Relations/Juvenile Cases:** The following types of cases shall be specifically assigned in the manner below:
 - a. **Dependency/TPR case filed where there is an open Domestic Relations case or a Domestic Relations case filed where there is an open Dependency/TPR case.** All Related Cases will be filed in or transferred to the Unified Children's Court Division before an assigned Unified Children's Court Family Judge, to be handled together through case disposition and for all post-judgment matters.
 - b. **Dependency/TPR case filed where there is a closed Domestic Relations case.** The AOC Unified Children's Court Division staff will facilitate providing the Related Domestic Relations Case information to the Unified Children's Court Dependency Judge, as needed. The Unified Children's Court Dependency Judge shall confer with the Domestic Relations Judge, as applicable.
 - c. **Domestic Relations case filed where there is a closed Dependency/TPR case.** All Related Cases will be filed in or transferred to the Unified Children's Court Division to be heard before an assigned Unified Children's Court Family Judge through case disposition and for all post-judgment matters.
 - d. **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.** Both Related Cases will be filed in or transferred to the Unified Children's Court Division on a case-by-case basis, to be heard before an assigned Unified Children's Court Family Judge, to be handled together through case disposition and for all post-judgment matters.
 - e. **Juvenile Delinquency case filed where there is a closed Domestic Relations case.** The AOC Unified Children's Court Division staff will facilitate providing the Related Domestic Relations Case information to the Unified Children's Court Delinquency Judge, as needed. The Unified Children's Court Delinquency Judge shall confer with the Domestic Relations Judge, as applicable.
 - f. **Domestic Relations case filed where there is a closed Juvenile Delinquency case.** The AOC Unified Children's Court Division staff

will facilitate providing the Related Delinquency Case information to the Domestic Relations Judge, as needed. The Domestic Relations Judge shall confer with the Unified Children's Court Delinquency Judge, as applicable.

- g. Open Dependency/TPR case where there is a related, open Adoption case filed in the Unified Children's Court Division.** The Adoption case shall be set for hearing before the assigned Unified Children's Court Dependency Judge, to be handled together with the Related Dependency/TPR case through case disposition and for all post-judgment matters.

- 2. Related Domestic Relations/Domestic Violence Injunction Cases –** All references to civil Domestic Violence Injunction or Injunction cases herein include all statutory Injunction for Protection case types pursuant to Sections §741.28, §784.046, and §784.048, Florida Statutes, including Petitions filed for Injunctions for Protection Against Domestic Violence, Stalking, Dating Violence, Sexual Violence, and Repeat Violence. The following types of cases shall be specifically assigned in the following manner:

- a. Petition for Injunction for Protection filed, where there is an open Domestic Relations case (pre or post-judgment) or Domestic Relations case filed where there is an open Injunction for Protection case.** The Injunction for Protection case shall be filed in or transferred to the Domestic Relations Division and set for final hearing before the assigned Domestic Relations Judge.

Upon the entry of a Permanent Injunction, all Related Cases shall be reassigned to the Unified Children's Court Family Judge, to be handled through case disposition and for all post-judgment matters.

- b. Petition for Injunction for Protection filed where there is a closed Domestic Relations Division case.** The case shall be set for final hearing in the Domestic Violence Division.

- c. Domestic Relations case filed subsequent to entry of Temporary Injunction but prior to entry of Permanent Injunction.** The Injunction for Protection case shall be filed in or transferred to the Domestic Relations Division and set for final hearing before the assigned Domestic Relations Judge.

Upon the entry of a Permanent Injunction, all Related Cases shall be reassigned to the Unified Children's Court Family Judge, to be handled through case disposition and for all post-judgment matters.

- d. **Motions for Modification/Extension/Vacating of Permanent Injunction filed where there is an open Domestic Relations Division case (pre or post-judgment).** All Injunction for Protection cases with motions for modification/extension/vacate filed prior to the effective date of this AO, shall be set for hearing before the assigned Domestic Relations Judge, to be handled together with the Related Domestic Relations Case through case disposition and for all post-judgment matters.

All Injunction for Protection cases with motions for modification/extension/vacate filed as of the effective date of this AO, shall be set for hearing before the assigned Unified Children's Court Family Judge, to be handled together with the Related Domestic Relations Case through case disposition and for all post-judgment matters.

- e. **Open Domestic Relations case where there is a related, closed Injunction for Protection case.** All Domestic Relations cases where an Injunction for Protection was entered prior to the effective date of this AO, shall be heard by the assigned Domestic Relations Judge, to be handled through case disposition and for all post-judgment matters.

All Domestic Relations cases where a Permanent Injunction was entered as of the effective date of this AO, shall both be reassigned to the Unified Children's Court Family Judge, to be handled through case disposition and for all post-judgment matters.

3. **Related Juvenile Dependency/Delinquency Cases** - In order to create administrative coordination between Related Delinquency and Dependency matters, where a juvenile has both Related Cases pending and to ensure that multiple determinations concerning a juvenile are complementary to, and do not conflict with one another, consistent with the one family, one judge model, these case types will be assigned and handled in the following manner:

Juvenile Dependency/TPR case filed where there is an open Juvenile Delinquency case or a Juvenile Delinquency case is filed where there is an open Juvenile Dependency/TPR case. If the Dependency case is filed first, the subsequently filed Delinquency case shall be assigned to the Unified Children's Court Dependency Judge presiding over the related Dependency case, and handled together through case disposition and for all post-judgment matters.

- a. If the Delinquency case is filed first, the subsequently filed Dependency case shall be assigned to the Unified Children's Court

Delinquency Judge presiding over the related Delinquency case, and handled together through case disposition and for all post-judgment matters.

- b. In all instances where the court has retained jurisdiction in a Dependency case and it later reopens, any related Delinquency case(s) shall be (re)assigned to the Unified Children's Court Dependency Judge who presided over the Dependency case.

4. Related Domestic Violence Injunction/Juvenile Dependency/TPR Cases - The following types of cases shall be specifically assigned as follows:

- a. **Petition for Injunction for Protection filed where there is an open Juvenile Dependency/TPR/Chapter 39 Injunction case or Juvenile Dependency/TPR/Chapter 39 Injunction case filed where there is an open Injunction for Protection case.** The Injunction for Protection case shall be filed in or transferred to the Unified Children's Court Division and set for final hearing before the assigned Unified Children's Court Dependency Judge presiding over the related Dependency case in accordance with reasonable time constraints, to be handled together with the related Dependency/TPR/Chapter 39 Injunction case through case disposition and for all post-judgment matters, including when the Dependency/TPR/Chapter 39 Injunction case reopens post-judgment.
- b. **Petition for Injunction for Protection filed, except a Chapter 39 Injunction, where there is a closed Juvenile Dependency/TPR case.** The case shall be set for final hearing in the Domestic Violence Division.
- c. **Juvenile Dependency case filed subsequent to entry of Temporary Injunction but prior to entry of Permanent Injunction.** The Injunction for Protection case shall be filed in or transferred to the Unified Children's Court Division and set for final hearing before the judge presiding over the related Unified Children's Court Dependency case in accordance with reasonable time constraints, to be handled together through case disposition and for all post-judgment matters.
- d. **Motions for Modification / Extension / Vacating of Permanent Injunction filed where there is an open Juvenile Dependency/TPR case.** The Injunction for Protection case shall be set for hearing before the assigned Unified Children's Court Dependency Judge, to be handled together with the Related

Dependency/TPR Case through case disposition and for all post-judgment matters.

- e. **Open Dependency / TPR case where there is a related, closed Injunction for Protection case.** The Related Injunction for Protection case may be transferred to the assigned Unified Children's Court Dependency Judge for purposes of modifying the injunction provisions to comport with orders entered in the Dependency/TPR case which involve the same parties and children.

V. INTERDIVISIONAL COOPERATION

All divisions in the Eleventh Judicial Circuit shall work cooperatively together to ensure that multiple judicial determinations concerning a single family do not conflict with one another.

VI. PERIODIC EVALUATION OF UNIFIED CHILDREN'S COURT

The Unified Children's Court shall be evaluated by the Chief Judge, and/or his/her designee(s), to determine its effectiveness in implementing this Circuit's goal of addressing legal matters in a comprehensive, coordinated manner. Such evaluation may consist of, but not be limited to: (i) a review and analysis of statistical data provided by the AOC Unified Children's Court Division staff, in conjunction with Court Information Technology Services (CITeS) detailing the amount and types of Related Cases handled monthly, and (ii) anecdotal documentation of Related 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 Nos. 02-03, 02-14, 02-14-A1, 02-14-A2, 03-15, and 10-08, 16-02, and any amendments thereto, are 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. 17-1 (Court Administration).

DONE and ORDERED in Chambers at Miami-Dade, Florida, this 16 day of November, 2017.



BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF
FLORIDA

Nashin G. Sayfie