

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

JUVENILE DIVISION 009

DEPENDENCY DIVISION 009

FCJ DIVISION 109

**STANDING ORDER ESTABLISHING PRE-TRIAL AND
TRIAL PROCEDURES**
(Effective October 14, 2021)

In the interest of ensuring the fair, efficient, and proper administration of matters before this Court, it is hereby **ADJUDGED** that it is necessary to implement the following procedures. Should any party need clarification, or a modification, exception, and/or waiver of the obligations below, a motion for clarification must be filed, served, and noticed for a timely hearing.

1. This Division's Standing Order Establishing Pre-Trial and Trial Procedures amended October 14, 2021 is adopted and restated. Each party and attorney is expected to be familiar with and comply with this Order as well as the Standing Order Establishing Courtroom Procedures.

PRE-TRIAL CONFERENCE

2. At arraignment or advisory, a pre-trial conference date will be given and the trial/adjudicatory hearing for the petition will be set for the following month's Trial/Calendar Call Hearing (see §§39.507(1)(a) and 39.809(2), Fla. Stat.)
3. PRE-TRIAL CONFERENCE: At the pre-trial conference all attorneys must attend and be able to announce whether the case a) has settled, or b) is ready for trial and all good faith resolution efforts have failed. All pre-trial issues, including requests for mediation, discovery, pre-trial motions, and continuances will be addressed at the Pre-trial Conference. Surrenders and consents may also be addressed.
4. PRE-TRIAL MOTIONS: All pre-trial motions must be filed by the moving party at least 3 business days prior to the Pre-Trial Conference. All parties are on notice that properly filed pre-trial motions will be heard during the Pre-trial Conference, unless resolved by agreement or the motion is evidentiary or requires more than 15 minutes to be heard. If the motion is evidentiary or requires more than 15 minutes to be heard, a special set hearing date for the motion will be given during the Pre-Trial Conference.

5. **CONTINUANCES**: All motions for continuance must comply with Rule 8.240, Florida Rules of Juvenile Procedure and include all information required by the Rule. Absent a showing of good cause, a motion for continuance must be in writing and filed as soon as practicable upon discovery of the basis for the request. The court must approve all continuances; **the fact that parties agree, does not guarantee the continuance will be granted by the Court.** As time is of the essence in these proceedings, the motion must state if the basis for the request for continuance is for one of the reasons set forth in §39.0136(3)(b), Fla. Stat. The party seeking the continuance **must provide the Court with a proposed order** after the Court's ruling.

6. **DISCOVERY**: Absent agreement of the parties or approval by the court for good cause shown or to prevent manifest injustice, all discovery must be concluded no later than 15 days prior to the commencement of the Trial Period. Should a party require an extension of discovery period, a motion must be filed or an agreed proposed order submitted for review by the Court. **Note: Nothing in this Order should be interpreted to relieve a party of the continuing duty to disclose any subsequently discovered evidence and witnesses that should have been disclosed during initial discovery.**

TRIAL/CALENDAR CALL HEARING

7. The Trial/Calendar Call hearing will typically be set for the week prior to the commencement of that month's Trial Period. All parties and counsel must appear at the Trial/Calendar Call hearing. **Failure to appear at the Trial/Calendar Call hearing may result in a default.**

8. **PRE-TRIAL CATALOGUE**: No later than 5pm on the day before the Trial/Calendar Call hearing, each party is required to file a Pre-Trial Catalogue for each case set. A courtesy copy must be e-mailed to the Judicial Assistant. If a parent is expected to consent or surrender during the Trial/Calendar Call hearing, the Pre-trial Catalogue is not required. **Note: Notwithstanding the timing for filing the Pre-trial Catalogue, each party is expected to comply with the Rules of Juvenile Procedure and nothing in this Order should be interpreted to modify the time requirements for providing notice of witnesses and responses to discovery requests as set forth in the Rules.**
 - a. The Pre-trial Catalogue shall contain:
 - 1) A concise, impartial, and easily understandable statement of the case facts. This section should also 1) identify all stipulated facts that require no proof at trial and can be read to the trier of fact, and 2) state all issues of law and fact to be determined at trial.

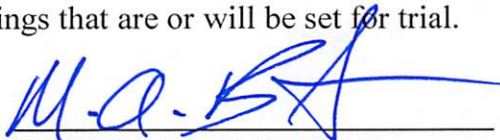
- 2) A brief case history that includes the amount of days the child has been in care, dates of any detention petitions, dependency adjudications, custody orders, and any other significant court actions.
 - 3) An estimation of trial time, and the names of attorneys trying the case.
 - b. The Pre-trial Catalogue shall also include as an attachment a **Pre-trial Exhibit List** (attached hereto as *Exhibit A* is the form to be used for this purpose. This form is also available on this Division's landing page).
 - 1) The Pre-trial Exhibit List will contain a list of exhibits, whether or not there is a stipulation to admit and if no stipulation, the basis for the objection.
 - 2) Absent agreement of the parties or court approval upon a showing of good cause or to prevent manifest injustice, no exhibits or objections outside of those listed in the Pre-trial Exhibit List will be permitted.
 - c. The Pre-trial Catalogue shall also include as an attachment a **Pre-trial Witness List** (attached hereto as *Exhibit B* is the form to be used for this purpose. This form is also available on this Division's landing page).
 - 1) The Pre-trial Witness List will contain a list of witnesses and any objections.
 - 2) The Pre-trial Witness List will indicate whether or not the witness will be called as an expert. Also include if there is a stipulation to the witness' expertise and if not, the basis for the objection.
 - 3) Absent agreement of the parties or court approval upon a showing of good cause or to prevent manifest injustice, no witnesses or objections outside of those listed in the Pre-trial Witness List will be permitted.
9. At the Trial/Calendar Call hearing, any defaults, consents or surrenders will first be addressed.
10. During the Trial/Calendar Call hearing, a trial order with an anticipated date and time (a 9:30AM or 1:30PM session) for the Trial Period will be established for the remaining cases. Attorneys are expected to confer prior to the Trial/Calendar Call hearing regarding trial order. Absent an agreement, the Court will decide the trial order, giving priority to TPRs and Therefore, no witnesses should be subpoenaed to appear for the Trial/Calendar Call hearing.
11. Once a trial order is established during the Trial/Calendar Call hearing, absent a consent/plea or default, each case is expected to be ready to proceed in accordance with the designated

trial order assigned during the Trial/Calendar Call hearing. **Parents will be advised again of the requirement to appear and a failure to appear for the trial during the designated trial period may result in a default.**

12. The Division's trial/calendar call date and the trial period will be designated in advance and posted on the Division landing page of the Eleventh Judicial Circuit.
During the designated Trial Period, there will be no regular calendar. Once a trial order is established, absent a consent/plea or default, each case is expected to be ready to proceed in accordance with the designated trial order assigned during the Trial/Calendar Call hearing.
13. As a result of these new trial procedures, there will no longer be pre-trial conferences set on agency days. Trial/Calendar Call date shall serve as the pre-trial conference hearing unless parties specially set same as non-evidentiary hearing.
14. If the **Child Witness Testimony Room** is needed, the movant must email a Child Witness Testimony (CWT) request to AOC; Roy Jimenez at rjimenez@jud11.flcourts.org, Sergio Campos at scampos@jud11.flcourts.org, and Eileen Suero at esuero@jud11.flcourts.org, at least three to seven days in advance. The request shall include the case number, and date and time the child(ren) is/are expected to testify.
15. CHILD HEARSAY: When applicable, the Court expects compliance with §90.803(23), Fla. Stat. (Hearsay Exception; Statement of Child Victim) The proponent of the evidence is responsible for filing the appropriate motion and scheduling any necessary pre-trial hearings. These motions will no longer be heard as part of a trial. **Child hearsay motions must be scheduled and heard prior to the trial/adjudicatory hearing.**

Failure to comply with this Order may result in this Court cancelling motion hearings, entertaining or initiating contempt proceedings and/or imposing sanctions against the offending party.

This Order is effective for all hearings and pleadings that are or will be set for trial.


MICHELLE A. BARAKAT
CIRCUIT COURT JUDGE

Copies furnished to Division 009:

CLS Attorneys, Regional Counsel Attorneys, Wheel Attorneys, GAL Attorneys