

DOMESTIC VIOLENCE BOND HEARING AND EMERGENCY MOTION PROTOCOLS

Date: Effective April 22, 2020

Purpose: The below protocols are required during the current Covid-19 pandemic and allow for domestic violence bond hearing and emergency motions to be conducted remotely utilizing the Zoom platform. All attendees will attend remotely. The same bond hearing duty judge will be assigned to cover all bond hearing and emergency motions on a weekly basis.

BOND HEARINGS:

Time:

11:00 AM Monday-Friday*.

One DV judge will be assigned weekly.

*Although the bond hearing will begin at 11:00 AM, the Department of Corrections will make all in custody Defendants on the DV bond hearing calendar available via Zoom at 10:00 AM on the day of each hearing.

*The PD will utilize from 10-11:00 AM to cover all necessary matters with in custody Defendants prior to the start of the calendar.

Invitation:

The assigned DV Judge's judicial assistant will send all attendees the Zoom Meeting invitation, link and password.

Private counsel should call the chambers of the judge assigned to bond duty to get the meeting ID and Password.

Remote Attendees*:

- Judge
- ASA
- PD
- Department of Corrections at TGK
- Department of Corrections/Pretrial Release Unit
- Clerk of Courts
- Court Reporter
- Interpreter

*See attached Invite List for all invitee emails.

Responsibilities:

- 1) ASA:
 - a. Prepare all D priors and stay away orders
 - b. Email priors and stay away orders to Clerk
 - c. Share all mutually agreed information with PD before the bond hearing
 - d. Represent the State of Florida at all bond hearings
- 2) PD:
 - a. Create Zoom meeting invite for 10:00-11:00 AM each day prior to bond hearing
 - b. Attend Zoom meeting from 10:00-11:00 AM to address all in custody Defendants set for bond hearing
 - c. Attend entire bond hearing starting at 11:00 AM representing all Defendants on bond calendar
 - d. Send clerk orders appointing PD prior to bond hearing for each Defendant

Note: Private counsel must contact the judicial assistant of the judge presiding over the bond hearing to obtain Zoom invite information to remotely appear at the bond hearing.

3) Clerk:

- a. Each D will have an individual pdf packet that includes:
 - i. Case History Sheet with name of D and Case Number
 - ii. A-Form
 - iii. Stay Away Order
 - iv. Priors
 - v. Order appointing the PD
- b. Send one email, with individual pdf packets attached to the presiding judge by 10:30 am
- c. Send Department of Corrections bond hearing calendar as soon as possible prior to bond hearing
- d. Process all paperwork and orders received from presiding judge at the conclusion of the bond hearing and send copies to all parties other than the presiding judge

4) Department of Corrections (TGK):

- a. Present and monitor all Defendants with jail cards at TGK utilizing Zoom platform for bond hearing starting at 10:00 AM (Monday through Friday)
- b. Capture all Department of Corrections required information on jail card

5) Department of Corrections – Pretrial Release Unit:

- a. Attend all bond hearings and prepare necessary pretrial release paperwork
- b. Email all pretrial release documents to the presiding judge immediately following each bond hearing in pdf format

6) Interpreter

- a. Attend all bond hearing calendars from 10:00 AM until conclusion
- b. Provide all interpreting services

7) Judge:

- a. Preside over all aspects of bond hearing
- b. Provisionally appoint the PD on all cases
- c. Set bond/release conditions
- d. Complete and sign all paperwork and orders received from Clerk and Department of Corrections utilizing smart forms application
- e. Email completed paperwork and orders to the Clerk as soon as possible following bond hearing

EMERGENCY MOTIONS

1. Following bond hearing calendar, the DV bond hearing duty judge will hear emergency motions. All participants will appear remotely via Zoom.
2. To place an emergency motion on calendar, the filing party must contact the DV bond hearing duty judge. Do not contact the COC. Please make sure you have EXHAUSTED the possibility of an agreed order or ruling on the emergency motion. Please include the following in your motion:
 - a. If your client's presence is required
 - b. If your client needs an interpreter
 - c. Name, Case #, JLN, dob of your client
 - d. Copy the opposing ASA or APD on your motion
 - e. Set forth efforts made to reach an agreement with opposing counsel
 - f. Motion must set forth all legal grounds relied upon by party filing motion as well as specific facts qualifying the motion as an Emergency.
3. Upon receipt of an emergency motion, the DV bond hearing duty judge will:
 - a. Review all requests for emergency hearings and determine whether
 - i. the issue can be ruled on without a hearing or
 - ii. the issue is an emergency and necessitates a hearing or
 - iii. the issue is not an emergency and will be set in normal course
 - b. If the judge grants the emergency hearing, the DV bond hearing duty Judge/JA/Bailiff are responsible for sending the Zoom invite to the parties, corrections, interpreter, reporter and the clerk. Once invitation received, the Department of Corrections will ensure the Defendant's presence via Zoom.
 - c. If the motion is filed on a Friday, the bond hearing duty judge will rule on whether the motion is an emergency. If deemed an emergency requiring a hearing, the DV bond duty hearing judge will inform the DV judge covering bond duty for the following week. It will be the responsibility of the DV bond hearing duty judge covering the following week to set the hearing.