

**SECOND AMENDED ORDER ESTABLISHING COURTROOM POLICIES AND PROCEDURES**

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 policies and 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.

**A. HEARING REQUESTS**

1. When requesting a hearing, a party's motion must be sent to both the Judge and Judicial Assistant ["JA"] and contain the following information and certification:

**REQUEST FOR HEARING**

Type of Hearing: -Five (5) Minute Motion Calendar; or  
-Special Set (More than fifteen (15) minutes)

Time Requested:

Number of Witnesses & Filing Date of Witness List:

Special Accommodation Requests To Court Administration *By Parties*:

- Interpreters – [Required Language]; -Child Testimony Witness Room;
- Experts and their Time Availability – [Names & Times]

*The Undersigned certifies that absent emergency circumstances, 1) all motions, exhibits, witness lists, and reports have been/will be served on all parties and provided to the Court at least five (5) days before the hearing; 2) a bona fide effort to agree and/or narrow the motion's issues either has been made with opposing counsel/party, or will be made before the hearing; 3) has/will contact court administration to obtain, if needed, interpreters, witness rooms etc.; and 4) has/will ensure that all experts/witnesses are available for the hearing.*

2. Hearings up to five (5) minutes long may be placed on the Court's motion calendar by requesting such in open court or contacting the Judge's JA. Matters that will take more than fifteen (15) minutes must first be set for a status review on the next available agency date, where the Court will determine if a special set evidentiary hearing is necessary, which will then be scheduled.
3. Hearings will be set within a reasonable amount of time, which, absent emergency circumstances, usually means five (5) days or the next available agency day. Parties must therefore inform the Court of the agency date. For emergency matters, parties must inform the agency and Court of how much time is needed, and if the Court finds the matter is an actual emergency, it will provide its available dates from

which the parties, after independently coordinating their schedules, will inform the Court of their finalized hearing date and time selection.

4. No party is permitted to “add-on” additional motions to a previously scheduled hearing without the Court’s permission. Requests to “add-on” motions must be submitted to the JA and should indicate the amount of time requested.
5. All exhibit and witness lists must be served on all parties, and provided to the Court, at the time of the motion’s filing.
6. If a party, witness, or attorney cannot appear for court in person, the Court may permit a telephonic appearance. A motion indicating good cause for telephonic appearance must be filed at least forty-eight (48) hours before the hearing and served on all parties. A courtesy copy of the motion and a proposed order must be provided to the Court and Case Manager, and the proposed order must include the number(s) at which the person appearing telephonically can be reached. All telephone calls will occur on the record, and additional notice may be required for long distance and international calls.
7. The parties should make a good faith effort to resolve or narrow the issues raised in a motion before coming to Court, and should such services be required, the moving party must also ensure that interpreters, the child testimony witness room, and/or witnesses are available for the hearing and informed of any rescheduling or cancellation. Court administration must also be informed of the latter.
8. All motions for continuance must state whether the motion is a first request or, for the past year, state the total number of prior continuances granted along with the court order date. The total time allowed for continuances may not exceed sixty (60) days for the preceding twelve (12) month period. § 39.0136, Fla. Stat.

#### **B. CASE PLAN & JUDICIAL REVIEW HEARINGS**

1. Pursuant to section 39.6011, Florida Statutes, and Florida Juvenile Procedure Rule 8.400, all case plans must be filed with the court and a copy provided to all parties with known whereabouts at least three (3) business days *before* the case plan review /disposition hearing. Case plans must “list the costs associated with any services or treatment that the parent and child are expected to receive which are the [parent’s] financial responsibility.” § 39.6011(4)(d), Fla. Stat. If a parent objects to these costs, the parent(s) must advise the Court, in writing, of the basis for objecting at, or prior to, the case plan approval hearing, and the Court will resolve the dispute at an evidentiary hearing.
2. Pursuant to section 39.701, Florida Statutes, all social study reports for judicial review and guardian ad litem program reports must be filed with the Court, and a courtesy copy provided to all parties with known whereabouts, at least seventy-two (72) hours *before* the hearing. So long as the reports are received within the notice period and proof thereof obtained, they may be sent by any means such as email, U.S. mail, or hand delivery as the Court recognizes these reports can be voluminous.

### **C. PRE-TRIAL PROCEDURES**

1. **CALENDAR CALL/PRE-TRIAL CONFERENCE:** In order to set a trial date, the Court will schedule a calendar call/pre-trial conference date which all parties and attorneys must attend and be able to announce that the case a) has settled, or b) is ready for trial and all good faith resolution efforts have failed. In the event of the latter, the parties and attorneys shall assist the Court's trial scheduling efforts by providing their calendar availability dates, including those of witnesses and experts. Counsel for the Department of Children and Families ["Department"] shall notify all parties and attorneys of a case's calendar call date, and any lawyer covering for an attorney assigned to a case must know the assigned attorney's calendar availability and have the authority to settle the case.
2. **PRE-TRIAL MEETING:** Prior to the calendar call/pre-trial conference, each party's counsel (or *pro se* litigant) must meet and:
  - a. Discuss settlement and formulate a case plan.
    - Unless an offer to settle is otherwise made, the moving party's petition may be considered as the initial offer.
  - b. Simplify the issues and stipulate to as many facts and issues as possible.
  - c. Examine and exchange lists of all objections to trial exhibits.
  - d. Exchange lists of the names and contact information of all trial witnesses.
3. **PRE-TRIAL CATALOGUE/STIPULATION [PTC]:** At the calendar call/pre-trial conference, counsel or *pro se* litigant must file a PTC, and a courtesy copy of the document shall be emailed to the Court at least seven days before trial. The PTC shall contain:
  - a. 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.
  - b. A case history that includes the dates of any detention petitions, dependency adjudications, custody orders, and any other significant court actions.
  - c. Each party's separately numbered list of trial 1) exhibits with any objections and their bases specified; and 2) witnesses, with experts so designated, and their contact information provided.
  - d. An estimation of trial time, and the names of attorneys trying the case.
4. **ADDITIONAL EXHIBITS, WITNESSES, or OBJECTIONS:** Any party desiring to use an exhibit or witness discovered after the PTC's submission must promptly give the Court and other parties/counsel a description of the exhibit, or the witness' name and contact information, and an explanation for the late discovery. However, absent specific agreement in the PTC or the issuance of a court order upon a showing of good cause or prevention of manifest injustice, the parties will be limited at trial to their Paragraph 3 disclosures and reservations.
5. **DISCOVERY:** Unless extended by court order upon a showing of good cause, all discovery must be completed at least five (5) days before the calendar call/pre-trial

conference. All parties have a continuing obligation to disclose any subsequently discovered evidence and witnesses that had to be disclosed during initial discovery.

6. MOTIONS: The moving party must set any pending motions for hearing no later ten (10) days before the calendar call/pre-trial conference.

#### **D. CHANGE OF CHILD PLACEMENT & INCIDENT REPORTS**

1. Should the Department or any party modify a child's foster placement, it must notify the parents (if their parental rights are intact), the Guardian Ad Litem (if one is appointed), and the Court within two (2) business days of change. However, absent emergency circumstances, the Department and its agents cannot modify, or remove any child from a pre-adoptive placement without first advising the parents (if their parental rights are intact), the Guardian Ad Litem (if one is appointed), and this Court. Within five (5) days of receiving such notification, any interested party may request that the Court review the Department's proposed placement, and the Department may not move the child until the matter is heard.
2. Relatedly, within two (2) business days of discovery, any party that learns of the incident must inform this Court of any child's injury or illness that a reasonable person would conclude requires medical treatment. For purposes of this Order, "injury" means any trauma resulting in physical harm to, or Baker Acting of, a child other than those typically and routinely suffered by children in the ordinary course of adolescence such as bruises, cuts, scratches, and other insignificant events requiring minor medical care. "Illness" shall similarly encompass any chronic or acute ailment or sickness other than those typically encountered in adolescence such as flus and colds that only require routine medical treatment. However, in the event of uncertainty, the reporting party should err on the side of disclosure to the Court.

#### **E. DILIGENT SEARCH AND INQUIRY AFFIDAVIT**

- All parties must utilize the form provided in Florida Juvenile Procedure Rule 8.968.

#### **F. PSYCHOTROPIC MEDICATIONS**

- All parties must fully comply with section 39.407, Florida Statutes, and this Court will strictly enforce this section's time deadlines related to notice.

#### **G. GENERAL DECORUM/MISCELLANEOUS**

1. Before classifying and submitting an order to the court as an "agreed" order, the proposed order must be circulated to all parties. If there are no objections, the motion and agreed order must be submitted to the JA via email with a CC to all parties. The cover letter/email accompanying the order should indicate whether each party agrees, objects, or takes no position to the requested relief. If the Court enters the order, it will be returned to the parties via e-service.

2. All attorneys, case managers, child protective investigators, and parties must be civil and professional.
3. Parties to a hearing must wait until the Court calls their case. Cases will be called one at a time, and when called, the parties must immediately go to the podium. Unless addressing the Court, all parties must be quiet and minimize how much they walk around/enter/exit the courtroom. Cellphones must also be silenced, see Admin. Order 14-02; and cases may not be “staffed” (meeting) when court is in session.
4. All proceedings involving the Adoption Review Committee must be recorded.

**Any previously-entered order(s) addressing the aforementioned topics is/are hereby revoked and superseded by this Order. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN COURT-INITIATED CONTEMPT PROCEEDINGS AND THE IMPOSITION OF APPROPRIATE SANCTIONS. THE FAILURE OF ONE PARTY TO COMPLY DOES NOT RELIEVE ANY OTHER PARTY FROM THEIR DUTY TO COMPLY WITH THIS ORDER.**

DONE and ORDERED on April 18, 2018.



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Maria Sampedro-Iglesia  
Circuit Court Judge