

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2008-29-UFC

**ADMINISTRATIVE ORDER ESTABLISHING
PROCEDURES FOR FAMILY DIVISION EMERGENCY MATTERS**

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “develop an administrative plan for the efficient and proper administration of all courts within that circuit.”

(b) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) **CHILD EMERGENCIES.** A child emergency is a matter of imminent or impending abuse, neglect or abandonment affecting the health, safety, or welfare of a child which shall be reported to the Abuse Hotline, 1 -800 - 96- ABUSE. A written motion shall contain a statement that the incident has been reported to the Hotline but shall not identify the reporter. This motion shall be sworn and signed by the filing party. A copy shall be provided to the opposing party and the divisional judge. Visitation is not an emergency, see FL STAT 61.13(4). A UCCJEA affidavit shall be filed and a copy of the affidavit shall be provided to the divisional judge.

(2) **CHILD PICK UP ORDERS AND INJUNCTIONS RELATED TO CHILDREN.** The Florida Supreme Court Approved Family Law Forms 12.940 and 12.941 shall be the exclusive forms to be used. Only those with standing by virtue of Florida law are entitled to relief. A UCCJEA affidavit shall be filed and a copy of the motion and affidavit shall be provided to the divisional judge. Four copies of proposed orders which comply with the rule shall accompany the copy of the motion to the judge.

(3) **EX PARTE EMERGENCIES AND INJUNCTIONS NOT RELATED TO CHILDREN.** An emergency that is not a child emergency is defined by F.R.C.P. 1.610(a)(1)(A), as a matter in which “immediate and irreparable injury, loss or damage will result” and for which there is no adequate remedy at law. A written verified motion, providing for ex-parte or relief with notice, shall be filed in which F.R.C.P. 1.610 is strictly followed, with a copy to the divisional judge. Four copies of a proposed order which complies with the rule shall accompany the copy of the motion to the judge.

(4) **PRIORITY.** The judge is required to determine if the facts demonstrate an emergency and whether a hearing should be set on an expedited basis. An emergency shall be given priority on the Court’s calendar with short notice.

(5) CERTIFICATION AND SANCTIONS. All emergency motions shall be verified and shall include a statement by the lawyer or pro se litigant that the motion is an emergency and the lawyer or pro se litigant is acting in good faith in seeking such relief. Sanctions shall be considered by the divisional judge for the filing of emergency motions that do not comply with this administrative order.

(6) ALTERNATE ASSIGNMENT. When the divisional judge is absent from the courthouse and an emergency matter has been filed in an assigned case, application may be made to the Court Administrator in Room 880 who will assign the matter to one of the judges of that division in accordance with a schedule of assignments made pursuant to instructions of the Chief Judge. The judge so assigned shall consider the matter after determining if it is an emergency.

(7) This order supersedes paragraph 9 of Administrative Order I-88-A-1 as it relates to family division cases.

(8) The Clerk of Court shall provide the petitioning party or attorney a copy of this order. The Clerk of Courts shall provide for service on the respondent along with initial pleadings a copy of this order.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on February 7, 2008.

s/ Victor Tobin
Victor Tobin, Chief Judge