

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

Administrative Order 2019-17-UFC

**ADMINISTRATIVE ORDER FOR THE 2019
UNIFIED FAMILY COURT PLAN**

(a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) The Florida Supreme Court in *In re Report of Family Court Steering Comm.*, 794 So. 2d 518 (Fla. 2001), directed the Circuit Courts to establish Unified Family Plans. This Circuit has established a plan that is being updated to reflect the best practices that will assist with judicial resources and the needs of families.

(d) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

(1) The 2019 Unified Family Court Plan for the Seventeenth Judicial Circuit is attached to this Administrative Order.

(2) This Administrative Order vacates and supersedes Administrative Order 2018-87-UFC.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 4th day of March, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge

2019 UNIFIED FAMILY COURT PLAN FOR THE SEVENTEENTH JUDICIAL CIRCUIT

I. UNIFIED FAMILY COURT

The Unified Family Court (herein UFC) for the Seventeenth Judicial Circuit (herein Circuit) was established in 1994. Since 1994, the Circuit has continued with developing policy and procedures to implement a UFC for families. This Plan shall apply to UFC concurrently with the Circuit's Administrative Orders. If this Plan is in conflict with any statute, rule of procedure, or case law, the Plan is automatically amended to comply with the statute, rule of procedure, or case law.

II. GOAL OF UFC

The goal is to create a fully integrated, comprehensive approach to handling cases involving children and families to maximize judicial resources and efficiency, avoid inconsistent court orders, and reduce court hearings for a family. To accomplish this goal the Circuit, whenever possible, will assign one judge to one family.

III. UFC DIVISIONS

UFC contains the following four (4) divisions: (1) Delinquency; (2) Dependency; (3) Domestic Violence (civil and criminal); and (4) Family.

The Chief Judge will determine the judges assigned to UFC by Administrative Order as authorized by statute and rules of procedure. The Chief Judge will appoint general magistrates and hearing officers to UFC by Administrative Order, if funding is available, as authorized by statute and rules of procedure. The Chief Judge, by separate Administrative Order, will appoint an Administrative Judge and Chairpersons for UFC.

The judges, general magistrates, and hearing officers assigned to UFC may be required to attend educational courses as to domestic relations, domestic violence, dependency, delinquency, mediation, diversity, sensitivity and problem-solving as required by the Chief Justice of the Supreme Court of Florida or the Chief Judge.

IV. **ASSIGNMENT OF UFC CASES**

The Clerk of the Circuit Court (herein Clerk) shall assign UFC cases to the divisions as follows:

a. Delinquency

- i. Cases filed pursuant to Chapter 985, Florida Statutes

b. Dependency

- i. Cases filed pursuant to Chapter 39, Florida Statutes
 1. Drug Court
 2. Early Childhood Court
- ii. CINS/FINS
- iii. Petition for Judicial Waiver of Parental Notice of Termination of Pregnancy
- iv. Motions to Intervene for Private Adoptions pursuant to Chapter 63, Florida Statutes, if there is a pending dependency case

c. Domestic Violence

- i. Criminal Domestic Violence (any and all arrests and/or prosecutions for domestic violence as defined by Chapter 741, Florida Statutes, or stalking, sexual violence and dating violence as defined by Chapter 784, Florida Statutes)
- ii. Civil Domestic Violence
 1. Injunction for Protection against Dating Violence
 2. Injunction for Protection against Domestic Violence
 3. Injunction for Protection against Repeat Violence
 4. Injunction for Protection against Sexual Violence
 5. Injunction for Protection against Stalking (includes cyberstalking)

d. Family

- i. Adoption
- ii. Amend Birth Certificate
- iii. Amend Marriage Certificate
- iv. Annulment
- v. Change of Name
- vi. Declaratory actions related to premarital, marital, or post martial agreements
- vii. Dissolution of Marriage (including modification and enforcement)
- viii. Extraordinary Writs (if the underlying case is a UFC case)
- ix. Florida Judgment Modification (including modification and enforcement)
- x. Partition/Domestic (including modification and enforcement)

- xi. Paternity (including modification and enforcement)
- xii. Petition To Enforce Foreign Custody Order (including modification and enforcement)
- xiii. Petition for Temporary Custody by Extended Family (including modification and enforcement)
- xiv. Separate Maintenance (including modification and enforcement)
- xv. Simplified Dissolution of Marriage (including modification and enforcement)
- xvi. Timesharing for Minor Children (including modification and enforcement)
- xvii. Title IV-D (including but not limited to Child Support, Child Custody, Paternity, and Uniform Interstate Family Support Act) (including modification and enforcement)
- xviii. Uniform Interstate Family Support Act (including modification and enforcement)

V. ASSIGNMENT OF CASES TO ACHIEVE ONE FAMILY, ONE JUDGE

The Circuit, whenever possible, will assign one family to one judge. To accomplish the assignment of one family to one judge, the parties to UFC cases shall comply with Florida Rule of Judicial Administration 2.545(d) by filing the notice of related case using the Florida Supreme Court approved form. Each judge presiding over a UFC case shall make an inquiry at the earliest possible date to determine if the parties currently have any UFC cases pending in the Seventeenth Judicial Circuit or any other judicial circuit located in the State of Florida. The Clerk will review his or her case maintenance system at the time a UFC case is filed to determine along with the notice of related case and conduct a name search of the parents, children, or other party for all UFC cases. If the Clerk determines there are open UFC cases for a parent, child, or other party, the Clerk shall assign the case as follows:

a. Delinquency

- i. If a sua sponte shelter hearing is required for a minor to be released from a Department of Juvenile Justice facility or for any other reason and heard by a delinquency judge, the case shall be subsequently assigned to a dependency division.
- ii. If there is an open and pending family case or civil domestic violence case at the time of filing the delinquency case, the case shall be assigned to a delinquency division JF. This is the only case the Clerk may direct file in division JF.

- iii. If a delinquency case is filed after the dependency case, and the dependency case is closed for less than twelve (12) months, the delinquency case shall be assigned to a dependency division.
- iv. If a delinquency case is filed after the dependency case, and protective supervision and jurisdiction have been terminated in the dependency case, the delinquency case shall be assigned to a delinquency division.
- v. If a delinquency case is filed after a family or civil domestic violence case is closed for more than twelve (12) months, the delinquency case shall be assigned to a delinquency division.
- vi. If there is an open and pending delinquency case at the time of filing the dependency case, the delinquency case shall be transferred to a dependency division unless there is a pending disposition before the delinquency division or a final hearing was commenced.
- vii. If there is an open and pending delinquency case at the time of filing a criminal domestic violence case the case shall be assigned to a criminal domestic violence division with coordinated case management for both cases.

b. Dependency

- i. If there is an open and pending family case at the time of filing the dependency case, the family case shall be transferred to the same dependency division.
- ii. If there is an open and pending dependency case at the time of filing a Petition for Judicial Waiver of Parental Notice of Termination of Pregnancy the case shall be assigned to the same dependency division.
- iii. If a family case is filed after the dependency case, and protective supervision has been terminated but jurisdiction has been retained in the dependency case, the new family case shall be assigned to the family division, unless the predominant issues in the family case concern custody of a minor child or minor children, including but not limited to timesharing or paternity, then the family case shall be assigned to the dependency division in which the dependency case was pending.
- iv. If a family case is filed after the dependency case, and protective supervision and jurisdiction have been terminated in the dependency case, the family case shall be assigned to a family division, unless the predominant issues in the family case concern custody of the minor children, including but not limited

to timesharing or paternity, then the matter shall be assigned to the dependency division in which the dependency case was pending.

- v. If there is an open and pending civil domestic violence case at the time of filing the dependency case, the civil domestic violence case shall be assigned to a dependency division.
- vi. If a civil domestic violence case involving a child in a dependency case is filed after the dependency case, and protective supervision has been terminated but jurisdiction has been retained in the dependency case, the civil domestic violence case shall be assigned to the dependency division in which the dependency case was pending.
- vii. If a civil domestic violence case is filed after the dependency case, and protective supervision and jurisdiction have been terminated in the dependency case, the civil domestic violence case shall be assigned to a civil domestic violence division.
- viii. If there is an open and pending delinquency case at the time of filing the dependency case, the dependency case shall be assigned to a dependency division. The related delinquency case will thereafter be transferred to a dependency division unless there is a pending disposition before the delinquency division or a final hearing was commenced.
- ix. If a delinquency case is filed after the dependency case, and protective supervision and jurisdiction have been terminated in the dependency case, the delinquency case shall be assigned to a delinquency division.

c. Domestic Violence

- i. If there is an open and pending family case at the time of filing the civil domestic violence case, the civil domestic violence case shall be assigned to the family division in which the family case is pending.
- ii. If a civil domestic violence case is filed after the family case, and the family case is closed for less than twelve (12) months, the civil domestic violence case shall be assigned to the family division in which the family case was assigned.
- iii. If a civil domestic violence case is filed after the family case, and the family case is closed for more than twelve (12) months, the civil domestic violence case shall be assigned to a civil domestic violence division.

- iv. If there is an open and pending dependency case at the time of filing the civil domestic violence case, the case shall be assigned to a dependency division.
- v. If a civil domestic violence case involving a child in a dependency case is filed after the dependency case, and protective supervision has been terminated but jurisdiction has been retained in the dependency case, the civil domestic violence case shall be assigned to a dependency division in which the dependency case was pending.
- vi. If a civil domestic violence case is filed after the dependency case, and protective supervision and jurisdiction have been terminated in the dependency case, the civil domestic violence case shall be assigned to a civil domestic violence division.
- vii. If there is an open and pending delinquency case at the time of filing the civil domestic violence case, the case shall be assigned to the civil domestic violence cross over division.
- viii. Criminal domestic violence cases shall be assigned to a criminal domestic division.

d. Family

- i. If there is no open and pending UFC case at the time of filing the family case it shall be assigned to a family division.
- ii. If there is an open and pending dependency case at the time of filing the family case, the case shall be assigned to a dependency division.
- iii. If a family case is filed after the dependency case, and protective supervision has been terminated but jurisdiction has been retained in the dependency case, the family case shall be assigned to the family division, unless the predominant issues in the family case concern custody of a minor child or minor children, including but not limited to timesharing or paternity, then the family case shall be assigned to the dependency division in which the dependency case was pending.
- iv. If a family case is filed after the dependency case, and protective supervision and jurisdiction has terminated in the dependency case, the family case shall be assigned to a family division, unless the predominant issues in the family case concern a minor child or minor children, including but not limited to timesharing or paternity, then the matter shall be assigned to the dependency division in which the dependency case was pending.

- v. If a civil domestic violence case is filed after the family case, as long as the family case is closed for less than twelve (12) months, the civil domestic violence case shall be assigned to the family division in which the family case was pending.
- vi. If a civil domestic violence case is filed after the family case, as long as the family case is closed for more than twelve (12) months, the civil domestic violence case shall be assigned to a civil domestic violence division.
- vii. If there is an open and pending delinquency case at the time of filing the family case, excluding DOR cases, the case shall be assigned to the family cross over division.
- e. General Magistrates. The General Magistrate assignment at the time of filing a family case shall be the General Magistrate for all family and civil domestic violence related cases. If there is a dependency related case, the dependency General Magistrate assignment shall be for all related cases.

VI. TRANSFER OF CASES BETWEEN UFC DIVISIONS TO ACHIEVE ONE FAMILY, ONE JUDGE

- a. If at any time a judge assigned to a UFC division is advised that a family has more than one (1) pending UFC case a transfer order shall be entered by the judge. Transfer of cases may occur as follows:
 - i. If there is an open dependency case then all other civil domestic violence, delinquency and family cases shall be transferred to the dependency division to which the case is pending.
 - ii. If there is an open family case then all other civil domestic violence and dependency cases filed thereafter shall be transferred to the dependency division to which the dependency case is pending.
 - iii. If there is an open family case then all other civil domestic violence and delinquency cases shall be transferred to Division JF/29.
 - iv. If a minor is a co-defendant for a delinquency case with an open dependency case then only his or her delinquency case shall be transferred to the dependency division with the pending case.
 - v. If a minor is a co-defendant for a delinquency case with an open family case then only his or her delinquency case shall be transferred to the cross over family division.
- b. All parties to a UFC case have an obligation to advise any judge assigned to a UFC case if there is more than one (1) pending case for a

family. The parties to UFC cases shall comply with Florida Rule of Judicial Administration 2.545(d) by filing the notice of related case using the Florida Supreme Court approved form.

- c. This plan does not preclude the assigned judges from conferring between themselves and deviating from the assignments of cases set forth herein to meet the best interests of the family. The Administrative Judge of Unified Family Court or the Chairpersons of the Delinquency, Dependency, and Family Divisions may enter transfer orders as needed for these cases. In all instances, the Administrative Judge for the Unified Family Court shall be the final arbiter as to whether the transfer of a case is appropriate.

VII. ASSIGNMENT OF CASES/TRANSFER OF CASES BETWEEN DELINQUENCY DIVISIONS

It is in the best interest of a minor for one judge to dispose of all delinquency proceedings. This will alleviate the possibility of conflicting orders if a minor's cases are not heard by one judge and confusion by the child and parents as to hearing dates.

- a. If a minor has an open and pending case at the time a new case is filed, the new filed case shall be assigned to the same division as the open and pending case. This shall include minors whose case or cases have reached a disposition but probation or commitment supervision remains outstanding.
- b. If a minor has more than one case in which probation or conditional release was ordered but not completed then all cases shall be transferred to the division with the oldest case number.
- c. If more than one minor has a case filed arising from the same incident, all companion cases shall be assigned to the division with the oldest case. The determination of oldest case numbers for all minors shall be determined first by an open and pending probation case for any of the companion minors. If there is not an open and pending probation case, then by an open conditional release case for any of the companion minors. If there is not an open or pending conditional release case for any companion minor then by an open and pending commitment case for any of the companion minors. If there is not an open and pending probation, conditional release, or commitment case for any companion minors, then by the oldest case number. All companion cases for which the minors receive probation, commitment or is on conditional release shall be assigned to the division with the oldest case number.

If any delinquency division receives assignment/transfer of cases in excess of the percentages established by Administrative Order there shall be no adjustment of caseloads due to the procedures to secure one judge for one minor's delinquency proceedings.

If there are pending delinquency cases with other UFC cases the judges shall confer to determine if an order of transfer of cases shall be entered or if the cases shall receive coordinated case management.

VIII. DELINQUENCY DETENTIONS, ARRAIGNMENTS, AND HEARINGS

All minors who are charged with a crime arising from the same incident shall be set for a hearing on the same day, before the same judge, determined by the division assignment.

IX. COURT RECORDS

The Clerk shall maintain court records as required by law or rule. All court records related to a family shall be delivered by the Clerk to the presiding judge at the time of a hearing.

X. CHILD SUPPORT ENFORCEMENT

The Plan invokes Florida Family Law Rule of Procedure 12.491 as to Title IV-D and non-Title IV-D child support enforcement proceedings. Referral to child support hearing officers is permitted pursuant to separate administrative order.

XI. THE FAMILY LAW ADVISORY GROUP (FLAG)

FLAG is an ad hoc committee of stakeholders established pursuant to the recommendations of the Florida State Family Court Steering Committee. FLAG is chaired by the UFC Administrative Judge or designee and members include judges, general magistrates, court administration employees, Clerk of Court staff attorneys, social service providers, and other community stakeholders. FLAG seeks to ensure effective communication between stakeholders while supporting the judicial branch. FLAG shall meet at least quarterly.

XII. TRIAL COURT ADMINISTRATOR PROGRAMS.

The Circuit's Trial Court Administrator shall provide, if funding is available, the following programs for UFC.

- a. Case Management

- b. Juvenile Alternative Sanctions
- c. Teen Court
- d. Early Childhood Court Community Coordinator
- e. Mediation
- f. Court Projects
- g. Court Reporting for court proceedings as required by statute, rule of procedure, or case law
- h. Interpreters as required by law

XIII. CLERK OF COURT PROGRAMS.

- a. Self-Represented Self Help Unit
- b. Domestic Violence Intake Unit
- c. Depository (non-Title IV-D cases and alimony cases)

XIV. STATE OF FLORIDA RESOURCES.

- a. Florida Guardian Ad Litem Program
- b. Department of Revenue (interstate and intrastate child support matters)

XV. OTHER RESOURCES.

- a. Supervised Visitation Programs
- b. Parenting Education and Family Stabilization Courses. All parents who are parties to a dissolution of marriage or paternity case are ordered to attend a course pursuant to section 61.21, Florida Statutes. Information as to courses is available from the Clerk or the Department of Children and Families Website¹
- c. Seventeenth Judicial Circuit webpage (www.17th.flcourts.org)
- d. Florida State Courts web page (www.flcourts.org)
- e. Clerk web page (www.browardclerk.org)
- f. Broward County Bar Association (<http://www.browardbar.org>)
- g. Legal Aid (<http://www.legalaid.org/coasttocoast>)
- h. The Florida Bar - Lawyer Referral Service (<http://www.floridabar.org/tfb/TFBConsum.nsf/48E76203493B82AD852567090070C9B9/EC2322E512B83D1E85256B2F006CC812?OpenDocument#Information%20for%20Consumers>)

¹ <https://www.dcf.state.fl.us/service-programs/child-welfare/stabilization/>