

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

Administrative Order 2020-29-Temp

**ADMINISTRATIVE ORDER MODIFYING AND/OR SUSPENDING IN-
PERSON VISITATION FOR CHILDREN UNDER THE PROTECTIVE
SUPERVISION OF THE DEPARTMENT OF CHILDREN AND FAMILIES**

(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 the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) The Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting that the best way to prevent illness is to avoid exposure to the virus.

(c) Because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, Broward County declared a Local State of Emergency on March 10, 2020, and the World Health Organization declared a global pandemic on March 11, 2020.

(d) On March 11, 2020 Chief Justice Charles Canady issued Administrative Order No. AOSC20-12, *In Re: Response of the Florida State Courts System to Coronavirus Disease 2019 (COVID-19)*, requiring chief judges to continue ongoing planning and authorizing the use of mitigating measures to address the effects of COVID-19.

(e) Visitation with parents for children in out of home care and under the supervision of the Department of Children and Families (“Department”) is integral in maintaining parent-child bonds and is a fundamental right guaranteed to both parent and child by Florida statutes as well as the Florida Constitution.

(f) On March 27, 2020, Chief Justice Charles Canady issued Administrative Order No. AOSC20-18, *In Re: COVID-19 Emergency Procedures in Relation to Visitation for Children Under the Protective Supervision of the Department of Children and Families*, suspending in-person visitation through Friday, April 17,

2020 and requiring visitation through electronic means unless all parties and the caregiver agree that the visitation can take place in a manner that does not pose a health threat.

(g) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, Florida Rule of Judicial Administration 2.215, and to promote public safety amidst the current public health emergency, it is hereby **ORDERED, effective immediately**:

(1) Except as otherwise provided herein, requirements for in-person visitation pursuant to orders entered under chapter 39, Florida Statutes, are suspended through April 17, 2020 or as provided by subsequent order.

(2) If there are no issues with a parent and child visiting in-person pursuant to prior orders and both the supervisor and the non-custodial parent wish to proceed with the conditions of visitation, visitation shall continue unabated in such form (*i.e.*, therapeutic, supervised, or unsupervised) and with such frequency as was previously ordered by the assigned division judge. For all such in-person visitation, including unsupervised visits and those visits supervised by relative caregivers, non-relative caregivers, or the Department or its designee(s), the parties shall attempt to abide by the recommendations of the Centers for Disease Control that persons not residing together engage in social distancing and maintain a distance of at least six (6) feet apart as practicable. In addition, all in-person visits shall be done at a location that complies with the assigned division judge's prior orders (*i.e.*, unsupervised visits in a public place shall remain in a public place).

(3) No in-person visitation between a parent and child shall occur when:

(a) A child or a person living in the home where the child resides is considered to be at high risk as defined by the Centers for Disease Control¹; or

¹ The Centers for Disease Control has declared those at increased risk for COVID-19 are:

- People aged 65 years and older,
- People with chronic lung disease or moderate to severe asthma,
- People who have serious heart conditions,
- People who are immunocompromised, including cancer treatment,
- People of any age with severe obesity (body mass index [BMI] >40),
- People with certain other underlying medical conditions, particularly if not well controlled, such as diabetes, renal failure, or liver disease, and,
- People who are pregnant.

- (b) The child or any person living in the child's out of home placement exhibits symptoms of COVID-19, the child or any person living in the child's out of home placement has been exposed to someone that has been diagnosed with COVID-19, and/or the child or any person living in the child's out of home placement tests positive for COVID-19, **AND** the child or any person living in the child's out of home placement has been ordered to isolate or self-quarantine by the Florida Department of Health or advised to isolate and/or self-quarantine by a physician or other qualified medical professional; or
 - (c) The non-custodial parent who is scheduled to visit exhibits symptoms of COVID-19, the non-custodial parent has been exposed to someone that has been diagnosed with COVID-19, and/or the non-custodial parent tests positive for COVID-19, **AND** the non-custodial parent has been ordered to isolate and/or self-quarantine by the Florida Department of Health or advised to isolate and/or self-quarantine by a physician or other qualified medical professional.
 - (d) A non-custodial parent wishes to avoid the risk of transmission and chooses not to exercise their in-person visitation in an abundance of caution, and has transmitted their request to forego such visitation in writing to the Department.
 - (e) A caregiver and/or child advocate has a reasonable and articulable concern for the safety of the child and/or the child's household given a non-custodial parent's potential exposure to COVID-19. This includes, but is not limited to, evidence that a non-custodial parent has been or may have been exposed to COVID-19 and failed to disclose such exposure and/or evidence that a non-custodial parent is not abiding by the social distancing recommendations of the Centers for Disease Control. Evidence of such circumstances would include, but are not limited to, a non-custodial parent's on-going drug use, engagement in high-risk behaviors, and/or homelessness.
- (4) If in-person visitation cannot occur because of one or more of the reasons set forth in Section 3 of this Administrative Order, the Department shall be required to:

- (a) provide a report, including all documentation to support the basis to support suspension of in-person visitation, that one of the involved persons meets the criteria in Section 3; and
 - (b) arrange for visitation via video teleconference using Zoom, Skype, FaceTime, WhatsApp or other comparable technological platform for the non-custodial parent to engage in their visitation with their child. The video teleconference visitation shall continue with the same frequency and for the duration practicable given the child's age.²
- (5) If in-person visitation cannot occur because of one or more of the reasons set forth in Section 3 of this Administrative Order, and any party seeks to reinstate in-person visitation prior to Friday, April 17, 2020, such party shall file a motion and bring the filing of such motion to the attention of the assigned division judge.
- (6) The provisions of this Administrative Order shall remain in effect until vacated.
- (7) This Administrative Order supersedes and vacates Administrative Order 2020-26-Temp.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 30th day of March, 2020.

/s/ Jack Tuter

Jack Tuter, Chief Judge

² A caregiver's unwillingness to engage in video teleconference visitation from their home shall not be a bar to a parent and child having on-going visitation and the Department must assure the video teleconference visitation continues in lieu of the in-person visitation. Telephonic visitation shall only be used in lieu of videoconference visitation where the parent lacks the ability to engage in videoconference visitation.