

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

Administrative Order No. 2019-9-UFC

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

(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) 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) **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. Section 39.201, Florida Statutes, mandates certain alleged abuses be reported. If the allegations fall within this statute, the matter shall be reported to the Abuse Hotline, 1-800-96-ABUSE (22873). A written verified motion shall be filed and signed by the filing party. A copy of the written verified motion shall be provided to the opposing party and the divisional judge. Visitation is not an emergency. *See* §61.13(4), Fla. Stat. 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 in 12.941 (forms A through E) 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 written verified motion and affidavit shall be provided to the divisional judge. Four (4) copies of proposed orders that 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 unrelated to children and which does not involve an allegation of domestic violence, repeat violence, dating violence, sexual violence, or stalking is defined by Florida Rule of Civil Procedure 12.605(a)(2)(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 or motion supported by affidavit seeking ex-parte relief shall be filed with the Clerk of Court with a copy provided to the divisional judge. The motion shall strictly comply with Florida Family Law Rule of Procedure 12.605. Four (4) copies of a proposed order that 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 certification by the lawyer or self represented litigant that the motion is an emergency and the lawyer or self-represented 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 or rules of court, or which are otherwise filed in bad faith.

(6) **Alternate Assignment.** When the divisional judge is absent from the courthouse and an emergency matter has been filed in an assigned case, the attorney or litigant shall proceed to the Trial Court Administrator’s Office, Suite 20170, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301. If the emergency matter is presented during normal business hours, the Office of the Trial Court Administrator shall first strive to locate another family division judge. If no other family division judge is available to hear the matter, the attorney or litigant shall be directed to the civil duty judge. The judge reviewing the filing shall consider the matter after determining if it is an emergency. If the judge determines the motion does not constitute an emergency, the matter shall be scheduled with the assigned division judge.

(7) This Administrative Order rescinds and supersedes Administrative Order 2019-3-UFC.

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

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, on this 9th day of January, 2019.

/s/ Jack Tuter
Jack Tuter, Chief Judge