

**ORDER GOVERNING DOMESTIC VIOLENCE INJUNCTIONS**

**WHEREAS**, 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; and

**WHEREAS**, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

**WHEREAS**, the clerks of court provide court-related functions which are essential to the orderly operation of the judicial branch and are required by section 28.13, Florida Statutes, to keep all papers filed in the clerk's office with the utmost care and security; and

**WHEREAS**, the protection of persons who are victims of domestic violence is a primary goal of the Ninth Judicial Circuit Court; and

**WHEREAS**, integral to protecting persons who are victims of domestic violence is providing a safe and secure method of navigating the process of seeking an injunction for protection; and

**WHEREAS**, the Court is aware of instances of attorneys and media contacting respondents in cases where a petitioner has filed for an injunction for protection before the respondent is served thereby creating a potentially volatile situation; and

**WHEREAS**, after consultation with the clerks of court and the judges who handle

domestic violence matters each day, the Court finds that it is essential to protect all information related to a Petition for Injunction for Protection as confidential until such time as the court has issued an order and the respondent has been served with the petition; and

**WHEREAS**, in order to prevent a serious and imminent threat to the fair, impartial and orderly administration of justice, temporary confidentiality is required;

**NOW, THEREFORE, I**, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, finding such a measure to be unavoidable and essential for the public safety and to protect those who are some of the most vulnerable in our community, do hereby order as follows, **effective immediately** and to continue until further order:

1. Pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A), this Court finds that confidentiality is required to:

- (i) prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
- (ii) avoid substantial injury to innocent third parties;
- (iii) avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;
- (iv) comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law.

Further, this Court finds that degree, duration, and manner of confidentiality as contemplated by this Order is no broader than necessary to protect the interests set forth above and no less restrictive measures are available to protect the interests set forth in this Order.

2. The Orange County Clerk of Court and the Osceola County Clerk of Court are directed to temporarily seal as confidential any Petition for Injunction for Protection under sections 741.30, 784.046, or 784.0485, Florida Statutes, until such time as the court has reviewed the Petition and either grants the Petition and the Respondent is served, or denies the Petition.

3. Once the order granting the Petition issues and the Respondent is served, or the court

denies the Petition, the Orange County Clerk of Court and the Osceola County Clerk of Court are directed to make the Petition for Injunction for Protection which was temporarily confidential, public record unless some other confidentiality provision also applies.

**DONE AND ORDERED** at Orlando, Florida, this 19<sup>th</sup> day of February, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
Belvin Perry, Jr.  
Chief Judge

Copies provided to:

Clerk of Courts, Orange County  
Clerk of Courts, Osceola County  
General E-Mail Distribution List  
<http://www.ninthcircuit.org>