

**AMENDED ORDER GOVERNING RELATED FAMILY CASES**

**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

**WHEREAS**, the Florida Supreme Court continues to express its strong support for a unified family court, as most recently set forth by *In Re: Amendments to the Florida Family Law Rules of Procedure*, 2014 WL 172531 (Fla. 2014), finding that having one judge handle all related family cases is the goal and should be the model for the circuits to follow; and

**WHEREAS**, the Florida Supreme Court stated that through effective case management, this goal should be realized in the overwhelming majority of cases. To the extent that one judge

is not handling all related family cases, each circuit was urged to examine its practices to determine why this is currently occurring. Additionally, preventing conflicting orders is another one of the critical goals of the unified family court, and circuits where this problem still occurs should re-examine their existing practices; and

**WHEREAS**, the Ninth Judicial Circuit Court, through conference with the family law judges and essential family court personnel, examined existing practices, local realities and limitations recognizing that there must be some flexibility to manage related family cases under limited circumstances; and

**WHEREAS**, the Ninth Judicial Circuit Court emphatically supports the goal of ensuring that cases involving families and children are managed in an efficient manner that serves the best interests of the parties; and

**WHEREAS**, realizing that this is not practicable in all instances, certain measures can be implemented to further the goals established by the Florida Supreme Court and ensure that all parties, attorneys, and judges in a family case receive proper notice of other related family cases; and

**WHEREAS**, certain technological and geographical limitations prevent an absolute and comprehensive implementation of the “one family/one judge model,” including, but not limited to: court reporting recording ability, funding, and specialty expertise of court and clerk personnel unique to each type of case; and

**WHEREAS**, this Court shall continue to periodically review and revise family court procedure and process in an effort to achieve the ultimate goal of creating a fully integrated,

comprehensive approach to handling all cases involving families and children as fully as possible given limitations and abilities;

**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, **effective immediately** and to continue until further order:

1. Pursuant to Florida Rule of Judicial Administration 2.545(d)(1)(A) – (D), a family case is related when:

- (A) it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; or
- (B) it affects the court's jurisdiction to proceed; or
- (C) an order in the related case may conflict with an order on the same issues in the new case; or
- (D) an order in the new case may conflict with an order in the earlier litigation.

2. Pursuant to Family Law Rule of Procedure 12.003(a)(1), all related family cases must be handled before one judge unless impractical. This Court finds that in certain instances it is impractical for one judge to handle all related family cases for the reasons stated herein.

Therefore, the following alternative procedures shall be implemented to realize this goal.

3. It is incumbent on the respective Administrative Judges, after consultation with each other to make the appropriate transfer of cases when presented with related cases.

4. Pursuant to Family Law Rule of Procedure 12.003(a)(2), and after consultation with and direction from the respective Administrative Judge, judges assigned to hear each related family cases or cases shall confer with each other for the purposes of case management and coordination. Additionally, the court or the party who filed the Notice of Related Cases may coordinate a case management conference between the parties and the judges hearing the related cases under rule 12.200 to:

- (1) consolidate as many issues as is practical to be heard by one judge;
- (2) coordinate the progress of remaining issues in order to facilitate the resolution of pending actions and avoid inconsistent rulings;
- (3) determine the attendance and participation of minor children in the proceedings; and
- (4) determine the access of the parties to court records if a related case is confidential pursuant to Rule of Judicial Administration 2.420.

Further, pursuant to rule 12.003(b)(1), the court may order joint hearings or trials of any issues in related family cases.

5. Judges hearing a family case are authorized, pursuant to Family Law Rule of Procedure 12.004(a), to access and review the files of any related case, whether pending or closed. Each Clerk of Court for the Ninth Judicial Circuit is directed to link related family cases in their respective case maintenance systems to advance the implementation of this rule.

6. After entry of a final judgment on a domestic violence injunction, and by Order of the Family Court Division Administrative Judge, only those domestic relations cases with an active related domestic violence case shall be assigned/reassigned to the domestic violence subdivision that entered the final domestic violence injunction.

7. Each Clerk of Court for the Ninth Judicial Circuit is charged with the responsibility to identify overlap between related family cases and notify the Court Administration Related Case Liaison who shall complete a thorough review of the matter and related issues and advise the judge pursuant to rule 12.004(d) of the related legal proceedings, the legal issues involved, and administrative information. Family Law Rule of Procedure 12.004(b) defines a related family case as another pending or closed family case, as that term is defined in Rule of Judicial Administration 2.545(d).

8. Pursuant to Family Law Rule of Procedure 12.006, each Clerk of Court for the Ninth Judicial Circuit shall ensure that copies of court orders are filed in related family cases involving

the same parties. The Clerk must record all relevant case numbers on the orders and a separate copy must be placed in each related case file.

9. This Order shall take precedence over all conflicting provisions contained in any prior administrative orders. All conflicting provisions in any prior administrative order are hereby vacated and incorporated herein while the remainder of any such administrative order shall remain in full force and effect.

**DONE AND ORDERED** at Orlando, Florida, this 5<sup>th</sup> day of August, 2014.

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

Copies provided to:

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