ADMINISTRATIVE ORDER
NO. 2017-10

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

ORDER GOVERNING UNIFIED FAMILY COURT, ORANGE COUNTY

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 Florida Supreme Court, in *In re Report of the Family Court Steering*

Committee, 794 So. 2d 518 (Fla. 2001), endorsed the guiding principles and characteristics of the

model family court developed by the Family Court Steering Committee and reaffirmed its goal

of the creation of a fully integrated, comprehensive approach to handling all cases involving

children and families; and

WHEREAS, the Florida Supreme Court, in *In re Amendments to the Florida Rules of*

Judicial Administration and In re Florida Family Law Rules of Procedure, 132 So. 3d 1114 (Fla.

2014), adopted proposed amendments of the Steering Committee providing for case management

of open related family cases through the filing of a Notice of Related Cases, for all related family

cases involving the same family and/or children to be handled before one judge ("one family,

one judge"), for a more formal manner of coordination of related cases and hearings, and for the

access and review of related family files by the judiciary and parties; and

WHEREAS, the Ninth Judicial Circuit Court 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, the policies and procedures outlined herein are meant to provide the greatest degree of flexibility to effectuate efficient and proper procedures for the Ninth Judicial Circuit Court, consequently, 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 and coordinated approach to handling all cases involving families and children as fully as possible given limitations and abilities;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and 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, hereby order the following, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

I. Related Cases:

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

1. it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; or
2. it affects the court's jurisdiction to proceed; or
3. an order in the related case may conflict with an order on the same issues in the new case; or
4. an order in the new case may conflict with an order in the earlier litigation.

For purposes of this Administrative Order, a Related Case is defined as two or more cases pending in the Domestic Relations and/or Domestic Violence Divisions which involve any of the same parties, children, or fact issues. Related Cases involving the same family will be handled

before one judge so that the cases will be coordinated, heard, and determined in a manner that will minimize the number of times and places that a family has to appear in court and will minimize the possibility of conflicting determinations in related cases.

    B. The following types of Related Cases are included in the Unified Family Court Division:

1) dissolution of marriage
2) division and distribution of property arising out of a dissolution of marriage
3) annulment
4) support unconnected with dissolution of marriage
5) paternity, including, but not limited to, disestablishment of paternity
6) child support
7) Uniform Reciprocal Enforcement of Support Act/ Uniform Interstate Family Support Act (URESA/UIFSA)
8) custodial care of and access to children, including, but not limited to, temporary or concurrent custody of minor children by extended family
9) adoption
10) name change
11) declaratory judgment actions related to premarital, marital, or post marital agreements
12) civil domestic, repeat, dating, stalking and sexual violence injunctions
13) relocation of minor children
14) modification and enforcement of orders entered in these cases

    C. For purposes of this Administrative Order, a Magnet Case is the domestic case that determines to which subdivision all Related Cases will be assigned.

        1. If there is an active final civil domestic injunction of any length issued, or an active temporary civil domestic injunction six (6) months or longer in duration issued, all Related Cases must be assigned to the domestic violence subdivision to which the injunction is assigned.

        2. If there is either an inactive civil domestic injunction of any length or an inactive temporary civil domestic injunction that was issued for six (6) months or longer in duration then, for a period of one (1) year after the termination of the injunction, all Related

Cases must be assigned to the domestic violence subdivision to which the injunction is assigned.

3. If there is no civil domestic injunction, then the case which has had record activity within the past year will be the Magnet Case and will determine to which subdivision the Related Cases will be assigned.

4. A Department of Revenue case will not be a Magnet Case.

II. Identification – Related Cases will be identified by:

A. Notice of Related Cases – In accordance with Florida Rule of Judicial Administration 2.545(d)(4), a fully completed Notice of Related Cases, in the form attached hereto as "Attachment A," must be filed with the initial pleading by the filing attorney or self-represented petitioner in each of the Related Cases that are currently open and pending with the court and served on all other parties in each of the Related Cases. Parties may file joint notices. To the extent that any issues of confidentiality apply, all legal requirements must be observed, including any requirements as set forth in Florida Rule of Judicial Administration 2.420. Parties must file supplemental notices as Related Cases become known or reasonably ascertainable.

B. The Family Court Case Management (FCCM) Department and each Clerk of Court for the Ninth Judicial Circuit is responsible for identifying Related Cases upon the filing of a new case or one reopened post-judgment when provided with notice or court order. Each Clerk of Court is charged with the responsibility to identify overlap between related family cases and notify the FCCM Department who must complete a thorough review of the matter and related issues and prepare an Order of Reassignment and forward to the Family Court Division Administrative Judge for signature.

C. Upon identification, each Clerk's Office must enter Related Cases into the Related Case and Case Cross Reference fields in Odyssey, and link all Related Cases together in the system. 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).

III. **Reassignment/Transfer Timeframes**:

A. To advance the purposes of Unified Family Court, a case may be reassigned by the appropriate Administrative Judge or designee.

B. Until such time as a Related Case is officially transferred to the subdivision where the Magnet Case is assigned, the designated subdivision judge will continue to hear all matters in that case to ensure compliance with all state and federal statutes, rules, and regulations.

C. If the transfer of a case occurs in error, the case will be reassigned/transferred back to the appropriate subdivision.

IV. **Resources**:

A. Pursuant to Family Law Rule of Procedure 12.006, each Clerk of Court for the Ninth Judicial Circuit will 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.

B. A judge hearing a family case is authorized, pursuant to Family Law Rule of Procedure 12.004(a), to access and review the files of any related case, including but not limited to the types of Related Cases listed in section I. B. of this Administrative Order as well as juvenile dependency, termination of parental rights, juvenile delinquency, emancipation of a minor, Children in Need of Services/ Families in Need of Services (CINS/FINS) and truancy cases, whether pending or closed.

C. Each Clerk of Court for the Ninth Judicial Circuit is directed to link related family cases, including but not limited to the types of Related Cases listed in section I. B. of this Administrative Order as well as juvenile dependency, termination of parental rights, juvenile

delinquency, emancipation of a minor, Children in Need of Services/ Families in Need of Services (CINS/FINS) and truancy cases in their respective case maintenance systems to advance the implementation of this rule.

V. <u>Interdivisional Cooperation</u>:

A. In order to advance the purposes and goals of Unified Family Court, Family Court Division and Juvenile Division Judges must consult and coordinate with each other so no inconsistent rulings are entered, to ensure certainty for families appearing in the courts, and to minimize the number of appearances families must make in court.

B. All Divisions in the Ninth Judicial Circuit must work cooperatively together to ensure that multiple judicial determinations concerning a single family do not conflict with one another.

VI. <u>Periodic Evaluation of Unified Family Court</u>:

A. The Family Court Division will be evaluated by the Chief Judge, or his/her designee(s), to determine its effectiveness in implementing this Circuit's goal of addressing family law matters in a comprehensive, coordinated manner.

VII. <u>Vacating Administrative Order</u>:

A. This Order takes precedence over all conflicting provisions contained in any prior administrative orders. All conflicting provisions in any prior administrative order are hereby vacated while the remainder of any such administrative order will remain in full force and effect.

B. Administrative Order 2014-09-01 and Administrative Order 2000-2-2 are vacated and set aside except to the extent that each has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 2nd day of October, 2017.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

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

NINTH JUDICIAL CIRCUIT COURT
FOR ORANGE AND OSCEOLA COUNTIES, FLORIDA

UNIFIED FAMILY COURT DIVISION

<u>INSTRUCTIONS FOR FILING NOTICE OF RELATED CASES</u>

When should this form be used?

Florida Rule of Judicial Administration 2.545(d) <u>requires</u> the **petitioner** in a **family law case** to file with the court a **Notice of Related Cases**. The Notice of Related Cases form is used to provide the required notice to the court. The Notice of Related Cases is required even if the case is uncontested and/or even if there are no related cases. The Notice of Related Cases must be filed with the initial pleading and served on the other parties in the **related cases**.

What is a family law case?

A family law case is any case in the circuit that is assigned to the family law division. Family Court is comprised of many different case types as listed in the Rules of Judicial Administration, Rule 2.454. See list below.

Family law cases include:

• UIFSA

• truancy

• adoption

• paternity

• annulment

• CINS/FINS

• child support

• name change

• juvenile dependency

• juvenile delinquency

• dissolution of marriage

• emancipation of a minor

• termination of parental rights

• temporary custody by extended family

• custodial care of and access to children

• support unconnected with dissolution of marriage

• modification and enforcement of orders entered in these cases

• declaratory judgment actions related to premarital, marital, or post-marital agreements, and

• civil domestic violence, repeat violence, dating violence, and sexual violence injunctions.

What is a related case?

A case is "related" to the family law case if it involves any of the same parties, children, or issues and it is pending at the time the party files a family case. A related case may be a separate open or closed civil, criminal, guardianship, domestic violence, juvenile delinquency, juvenile dependency, or domestic relations case. A case is considered related if the case:

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

What should I do next?

Before you complete the required Notice of Related Cases form you must make a reasonable effort to determine if any related cases exist from your own records/recollection and from public records that may be available in the clerk's office or by web search.

The parties involved in the case have a continuing duty to inform the court of any proceedings in this or any other state that could affect the current proceedings.

The Notice of Related Cases form should be typed or printed in black ink. After completing the form, you should file the original with the Clerk of the Circuit Court in the county where your case is filed and keep a copy for your records. A copy of this form must be mailed, e-mailed or hand-delivered to any other party in your case and must be in accordance with Florida Rule of Judicial Administration 2.516.

Special Notes:

Please note that when completing the Notice of Related Cases Form you will need to provide your address: **However, if you fear that disclosing your address would put you in danger because you are the victim of sexual battery, aggravated child abuse, stalking, aggravated stalking, harassment, aggravated battery, or domestic violence, you should write "Confidential" where your address is requested and file a Supreme Court Approved Family Law Form 12.980(h), Request for Confidential Filing of Address, along with your Notice of Related Cases Form.**

For additional information:

You should read the "General Information for Self-Represented Litigants" found at the beginning of the Family Law Forms in the Florida Rules of Court, Family Law Rules, http://www.flcourts.org. Also, you may read the instructions for Florida Supreme Court Approved Family Law Form 12.980(h). You may also refer to Florida Rule of Judicial Administration 2.545(d) and 2.516.

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE AND OSCEOLA COUNTIES**

IN RE: CASE NO.: _____

DIVISION:_____

_____,

Petitioner,

And

_____,

Respondent.

NOTICE OF RELATED CASES

Petitioner submits this Notice of Related Cases as required by Florida Rule of Judicial Administration 2.545(d). A related case may be an open or closed civil, criminal, guardianship, domestic violence, juvenile delinquency, juvenile dependency, or domestic relations case. A case is "related" to this family law case if it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; if it affects the court's jurisdiction to proceed; if an order in the related case may conflict with an order on the same issues in the new case; or if an order in the new case may conflict with an order in the earlier litigation.

I. OTHER CASES INVOLVING THE PARTIES/CHILDREN: [check **one** only]

☐ To the best of my knowledge, I hereby certify that there are no "other cases" involving any of the above named parties or their child(ren).

☐ The following are the related cases involving any of the above named parties or their child(ren). Attach additional pages if necessary.

RELATED CASES OF ANY OF THE ABOVE PARTIES OR THEIR CHILD(REN)

RELATED CASE NO 1.
Name of the other case: _____ *(Example: Jane Doe v. John Doe; In the Interest of:; State v. John Doe, etc.,)* Type of Case: _____ *(Please refer to "What is a Family Law Case?" and/or "What is a related Case?" on the instructions for reference/guidance)* Case Number: _____ Judge: _____ Where was it filed? _____ Date of filing: _____ Is the Case: ___ Over (closed)   ___ Still going on (open)
RELATED CASE NO 2.
Name of the other case: _____ *(Example: Jane Doe v. John Doe; In the Interest of:; State v. John Doe, etc.,)* Type of Case: _____ *(Please refer to "What is a Family Law Case?" and/or "What is a related Case?" on the instructions for reference/guidance)*

Case Number: _____ Judge: _____

Where was it filed? _____ Date of filing: _____

Is the Case: ___ Over (closed) ___ Still going on (open)

RELATED CASE NO 3.

Name of the other case: _____
(Example: Jane Doe v. John Doe; In the Interest of:; State v. John Doe, etc.,)

Type of Case: _____
(Please refer to "What is a Family Law Case?" and/or "What is a related Case?" on the instructions for reference/guidance)

Case Number: _____ Judge: _____

Where was it filed? _____ Date of filing: _____

Is the Case: ___ Over (closed)   ___ Still going on (open)

RELATED CASE NO 4.

Name of the other case: _____
(Example: Jane Doe v. John Doe; In the Interest of:; State v. John Doe, etc.,)

Type of Case: _____
(Please refer to "What is a Family Law Case?" and/or "What is a related Case?" on the instructions for reference/guidance)

Case Number: _____ Judge: _____

Where was it filed? _____ Date of filing: _____

Is the Case: ___ Over (closed)   ___ Still going on (open)

II. **RELATIONSHIP BETWEEN CASES [check _all_ that apply]**

☐ pending case(s) involves same parties, children, or issues;
☐ may affect court's jurisdiction;
☐ order in related case(s) may conflict with an order in this case;
☐ order in the case(s) may conflict with previous order in related case.

III. **COORDINATION OF CASES [check only _one_]**

☐ I **do not** request coordination of litigation in any of the cases listed above.

☐ I **do** request coordination of the following cases:

_____   _____
_____   _____

and request that the cases listed in Section III: [check *all* that apply]

☐ Be assigned to one judge.

☐ Coordination of existing cases will conserve judicial resources and promote an efficient determination of these cases because: _____

_____
_____

IV.   **ACKNOWLEDGEMENT**

The Petitioner acknowledges a continuing duty to inform the court of any cases in this or any other state that could affect the current proceeding.

_____   _____

Date   Signature or Petitioner/Attorney for Petitioner
                                   Print Name: _____
                                   Address: _____
                                   City, State, Zip:_____
                                   Telephone Number:_____
                                   Fax Number: _____
                                   E-mail address:_____
                                   Florida Bar Number: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I delivered a copy of this Notice of Related Cases to the County Sheriff's Department or a certified process server for service on the Respondent, and [**check all used**] ( ) e-mailed ( ) mailed ( )hand delivered, a copy to {name}_____, who is a party on the related case, {name}_____, who is the attorney for the Respondent on the related case on {date} _____.

                                   _____

                                   Signature of Petitioner/Attorney for Petitioner
                                   Print Name: _____
                                   Address:_____
                                   City, State, Zip:_____
                                   Telephone Number:_____
                                   Fax Number: _____
                                   E-mail address:_____
                                   Florida Bar Number: _____