

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR MARION COUNTY

ADMINISTRATIVE ORDER NO: M2015-16-B

**ORDER AMENDING AND SUPERSEDING ADMINISTRATIVE ORDER M2007-05  
AND EXPANDING UNIFIED FAMILY COURT PRINCIPLES IN MARION  
COUNTY FAMILY DIVISION CASES**

UNIFIED FAMILY COURT (“UFC”) principles have been in effect in the Fifth Circuit and in Marion County since 2001 and have been formalized by prior Administrative Orders for the Circuit and the County. This Administrative Order is intended to further enhance and support UFC in Marion County, and to implement the requirements of Administrative Order No. A-2015-10. It is not intended to limit or restrict other good practices which are consistent with the UFC and its principles, many of which are already in practice in Marion County. The Fifth Circuit consists of five counties, and each county was directed by Administrative Order No. A-2015-10 to establish local procedures. This administrative order applies to Marion County only and is intended to implement Administrative Order No. A-2015-10 of the Chief Judge.

I. Cases falling within the family division include dissolution of marriage; division and distribution of property arising out of a dissolution of marriage; annulment; support unconnected with dissolution of marriage; paternity; child support establishment and enforcement; custodial care of and access to children, parental responsibility, and time sharing; adoption; name change; declaratory judgment actions related to premarital, marital, or post marital agreements; civil domestic, dating, repeat, sexual, and stalking injunctions; juvenile dependency; termination of parental rights; juvenile delinquency; emancipation of a minor; CINS/FINS; truancy; and modification and enforcement of orders entered in these cases. Those case types are “family law cases.” All family law cases fall into four general categories: domestic relations, domestic violence, juvenile dependency, and juvenile delinquency. Dating and sexual violence, as well as many stalking and repeat violence cases, are similar to domestic violence cases and are included in the family division. When a family division judge is responsible for mental health cases, those cases should be coordinated whenever appropriate with family law cases involving the same person or persons. Likewise, guardianships of minor children may involve children who are the subject of a family law case and should be coordinated whenever appropriate with the family law case.

II. UFC division and assignment and transfer of cases to UFC division:

- A. Every juvenile dependency case; termination of parental rights case (TPR) under Chapter 39, Florida Statutes; adoption that emanates from a TPR under Chapter 39; and action under Chapter 984, Florida Statutes, shall be regarded as a UFC case and assigned to the UFC. UFC cases will include the letters “DP” and/ or “FK” in the case number.
- B. Once a case has been assigned to the UFC and while that case is pending as to a particular minor child, if a **juvenile delinquency** case is filed with respect to that same particular minor child who is the subject of the UFC case, then the delinquency case will also be assigned or transferred to the UFC or designated as UFC, to be appropriately coordinated

DBA

as provided herein below. As used only in this Section II.B., the term “pending” means a case which has been initiated but in which no final judgment has been rendered as to a particular minor child, or, for a juvenile dependency case, no disposition order has been rendered as to a particular minor child. As used throughout the remainder of this order, the term “pending” means a case which has been initiated but in which no final judgment has been rendered, or, for a juvenile dependency or delinquency case, no disposition order has been rendered.<sup>1</sup> As used throughout this order, for a juvenile dependency case, the term “closed” means a case in which a disposition order has been rendered for at least one child, the term “case for which jurisdiction has been retained” means a case in which jurisdiction has been retained for at least one child, the term “case for which jurisdiction has been relinquished or terminated” means a case in which jurisdiction has been relinquished or terminated for all children in the case, and the term “disposition order” includes, but is not limited to, an order of disposition, order of dismissal and order placing a child in a permanent guardianship.

- C. In addition to the foregoing, once a case has been assigned to the UFC, a Notice of Related Cases in that case or in a related case may identify one or more pending cases, or cases filed after the UFC case is filed but while the UFC case is pending, constituting a case or cases related to the UFC case, and request to have the related case or cases coordinated with the UFC case. Likewise, the judge in a related case or any judge in any family division may identify a case pending before him or her that is related to a case pending in UFC because it involves any of the same parties, children, or issues. Any case identified through the processes provided in this paragraph may be assigned or transferred appropriately to be coordinated with the UFC case. A sample Notice of Referral is attached. The notice shall be placed in the court file and a copy provided to the proper UFC judge.
- D. If the UFC judge agrees with the referral, the UFC judge shall within five business days enter an order of acceptance reassigning the case to the UFC. If the UFC judge is unavailable, then the referral should be reviewed by the family law administrative judge. A sample Order of Acceptance is attached. The Order of Acceptance shall be placed in the court file and copy of the order served upon all parties.
- E. If the UFC judge does not accept the referral, a Notice of Denial shall be entered. A sample Notice of Denial is attached. The notice shall be placed in the court file and a copy provided to the judge making the referral.
- F. If an Order of Acceptance is not issued within five business days, or if a Notice of Denial is entered, upon request of a party or the referring judge, a copy of the Notice of Referral and the Notice of Denial, if any, will be referred to the family law administrative judge for determination of whether the case should be reassigned notwithstanding the denial.

---

<sup>1</sup> Terms contained in this Administrative Order may be used and defined in a manner that is different from their use and definition in the Summary Reporting System Manual (SRS Manual), established pursuant to Sec. 25.075, Fla. Stat., and maintained by the Office of the State Courts Administrator. Any such different use(es) or definition(s) shall not alter the Clerk of Court’s obligations or responsibilities pursuant to the SRS Manual.

*DBHJA*

- G. When a judge in any family division identifies a case pending before him or her which the judge believes should be in UFC but which is not a case which is required to be assigned or transferred to the UFC under paragraphs A or B, above, and which is not related to a case pending in UFC, the judge may nevertheless file a Notice of Referral as provided in paragraph C, and request to have the case transferred and assigned to the UFC.
- H. In addition to all of the foregoing, the UFC judge, through case management, upon review of the Notice of Related Cases, or otherwise, may become aware of a related case or a family division case which he or she believes, in the efficient administration of justice, should be assigned to the UFC. The UFC judge may direct the related or family division case to be transferred to the UFC in order to coordinate the disposition of cases together.

### III. FAMILY DIVISION ASSIGNMENTS AND DOCKET DESIGNATIONS

#### A. Judicial Assignments.

Judicial assignments will be reviewed annually in the family division to address both cases number and case weights. The family law case management office will assist in completing this review. Irrespective of actual docket assignment, care should be used to coordinate all family law cases in order to ensure that UFC principles are recognized and advanced.

#### B. Term in Division.

Each judge will serve in the family division for at least two years and be automatically entitled to reassignment upon request after three years. Assignments are staggered so that all judges are not reassigned at one time. Family division judges will generally not be assigned to other types of cases, except by special request of the Chief Judge.

#### C. Detention and Shelter Hearings.

Judges serving in the division share the responsibility for providing coverage for detention hearings and shelter hearings when the UFC Judge is unavailable and upon request of the UFC Judge. Each family judge is a "juvenile court judge" within the meaning of Chapter 39 and Chapter 985. A 48-hour review pursuant to Section 39.402(12) of Florida Statutes is not required when a shelter hearing is conducted by any family division judge. The duty judge is responsible for weekend and holiday shelter hearings and detention hearings.

#### D. Emergency Matters.

All family division judges are responsible for considering emergency petitions, requests for custody orders and warrants, and initial petitions for injunctions to prevent domestic violence, sexual, dating, stalking or repeat violence, in the absence of judges who have primary responsibility for these cases. If a judge has primary responsibility for one of these cases, but is involved in a trial, hearing, or is temporarily unavailable, the judge may notify the Clerk of Court of a delay in considering the emergency or injunction petition, instruct his or her judicial assistant to find another family division judge willing to consider the request, or interrupt the proceedings

briefly to consider the request. In any event, the judge with primary responsibility for the case should cause the emergency or injunction to be considered within one hour. It is improper to put the burden of finding a judge on the person seeking relief. Emergency matters as described in this paragraph will be addressed by the duty judge only if no family judge is available.

#### IV. CASE MANAGEMENT AND COORDINATION

##### A. "One-Family-One Judge" Model.

All family division judges, irrespective of the designation of certain cases as "UFC" cases herein, shall coordinate all cases involving the same family members by assignment to one judge when it will conserve judicial resources, avoid multiple court appearances by the same parties on the same issues, and avoid inconsistent court orders. If it is not practical to assign all cases involving the family to a single judge, the judges will inform each other of all previous and pending proceedings that involve the family and its individual members, so each judge will have a more complete picture when making a decision.

Judges will consider the Clerk of Court's Related Case Worksheet listing any other open or closed family law cases that involve any of the same parties or children and will also consider the Notice of Related Cases. Multiple cases involving the same parties or children may be referred to in this order as related cases or as "crossover" cases.

##### B. Assignment of Crossover Cases.

###### 1. Automatic assignment of subsequent cases by Clerk of Circuit Court.

###### a. When there is a pending or closed dependency case

- (1) If a child(ren) is involved in a pending dependency case, the Clerk will automatically assign any subsequent domestic relations, domestic violence, dating, sexual, stalking, or repeat violence case (hereinafter "subsequent case") involving **any** of the same child(ren) to the dependency court judge. If not already assigned pursuant to the previous sentence, the Clerk will automatically assign any subsequent case that involves an adult petitioner or respondent who is involved in a pending dependency case to the dependency court judge. Such assignment protocols shall apply unless the dependency court judge, having reviewed the matter, directs the Clerk otherwise by order.
- (2) If a child(ren) has been involved in a closed dependency case for which jurisdiction has been retained, the Clerk will automatically assign any subsequent case involving any of the same child(ren) to the dependency court judge. If not already assigned pursuant to the previous sentence, the Clerk will automatically assign any subsequent case that involves an adult petitioner or respondent who was involved in a closed dependency case for which jurisdiction has been retained to the dependency court judge. Such assignment protocols shall apply unless the dependency court judge, having reviewed the

matter, directs the Clerk otherwise by order.

- (3) If a child(ren) has been involved in a dependency case that has been closed and for which jurisdiction has been relinquished or terminated for six (6) months or less<sup>2</sup>, the Clerk will automatically assign any subsequent case involving any of the same child(ren) to the dependency court judge. If not already assigned pursuant to the previous sentence, the Clerk will automatically assign any subsequent case that involves an adult petitioner or respondent who was involved in a dependency case that has been closed and for which jurisdiction has been relinquished or terminated for six (6) months or less<sup>2</sup> to the dependency court judge. Such assignment protocols shall apply unless the dependency court judge, having reviewed the matter, directs the Clerk otherwise by order.
- (4) If a child or party has been involved in a dependency case that has been closed and for which jurisdiction has been relinquished or terminated for more than six (6) months<sup>2</sup>, the Clerk will automatically assign any subsequent domestic relations, domestic violence, dating, sexual, stalking, or repeat violence case involving any of the same child(ren) and parties to a family division judge.

**b. When there is a pending delinquency case:** Except for those delinquency cases falling under Section II (B), above, the following will continue to apply:

If a child has a pending delinquency case and the Department of Children and Families files a juvenile dependency petition involving the same child, the Clerk will advise both the delinquency judge and the dependency judge, and the delinquency case will be reassigned to the dependency judge.

**c. When there is a pending or closed domestic relations, domestic violence, dating, sexual, stalking, or repeat violence case:**

If any party to a newly filed domestic relations, domestic violence, dating, sexual, stalking, or repeat violence case ("Domestic Case"), is a party to a pending or closed Domestic Case, the Clerk will automatically assign the new Domestic Case to the same family division docket for the most recent pending or closed Domestic Case in which the petitioner in the new Domestic Case is a party. If the petitioner in the new Domestic Case is not a party to any prior pending or closed Domestic Case, then the Clerk will automatically assign the new Domestic Case to the same family division docket for the most recent pending or closed Domestic Case in which the respondent in the new Domestic Case is a party. Such assignment protocols shall apply unless the Clerk otherwise assigns the case pursuant to Sections IV.B.1.a.(1) – (4) above.

---

<sup>2</sup> Measured from the date jurisdiction is relinquished or terminated as to the last child in the dependency case.

## 2. Responsibility for Other Crossover Cases.

In addition to the provisions above for assignment and transfer of cases to the UFC and not in derogation thereof, if a party or child is involved in a pending dependency case whenever filed, a closed dependency case wherein the dependency court retained jurisdiction, or a dependency case that resulted in an order closing the case with an order which is subject to subsequent modification in the domestic relations division, and another domestic relations, domestic, dating, sexual, stalking, or repeat violence case involving any of the parties or the child is pending before another judge, all of the pending family cases shall be transferred to the judge assigned by written order to the dependency docket unless the assigned judges confer and agree otherwise. Until the division has resources to identify these cases early in the process, it may be more efficient for the domestic relations or domestic violence judge to hear some of the issues before transferring the remaining issues to the dependency judge.

Alternatively, a division judge may decide to defer issues involving the children to the dependency judge without transferring the entire case. For example, the judge assigned to a dissolution of marriage case may dissolve the marriage, distribute the assets and liabilities, determine alimony, and change the wife's name, but defer primary physical residence and parenting time to the dependency judge. The judge hearing the domestic relations or domestic violence case will ensure that a copy of the order is filed in the dependency case and furnished to any parties who are not involved in the domestic relations or domestic violence case. It is important for these orders to explain what happened and identify which order controls the issues involved.

Whenever the judges decide it is unnecessary or impractical to assign all of the cases to the same judge, the judges will exchange information so that each judge involved with the family is aware of the other proceedings and the issues being addressed.

All family division judges are juvenile court judges within the meaning of Chapter 39. Judges who are not assigned to dependency cases as their primary responsibility may hear dependency cases when they have more knowledge of the family than another judge assigned to the division. For example, the Department of Children and Families may file a dependency case involving a family that has a long history of litigation in a domestic relations case. The judge who has been working with that family may be in a better position to hear the dependency case because of this historical knowledge. In this situation, cases will be coordinated by agreement of the assigned judges.

## 3. Coordination with Criminal Domestic Violence.

Family division judges should be aware of orders setting bond conditions in any pending criminal domestic violence case to ensure consistency of the orders in family cases regarding contact. When a conflict exists between an order issued in a family law case and an existing order in a criminal case, the conflict should be pointed out to the parties by the presiding family judge, preferably in writing.

4. Identification of Crossover Cases.

All family court personnel, including judges, magistrates, hearing officers, staff attorneys, case managers, judicial assistants and clerks involved with family cases are asked to help the judiciary identify crossover cases that should be assigned to a single judge. Special attention should be paid to the Notice of Related Cases procedure.

5. Orders Assigning Crossover Cases.

Anything herein to the contrary notwithstanding, when a judge becomes aware of a crossover case, the judges involved may reassign the cases automatically pursuant to established policies set forth in this administrative order, reassign the cases by agreement and entry of an order, or request coordination by the Family Law Administrative Judge. They may as a matter of convenience use the Notices of Referral, Denial, and Acceptance referenced above, but are not required to do so.

V. DOMESTIC, DATING, SEXUAL, STALKING AND REPEAT VIOLENCE INJUNCTIONS

A. Intake Process and Applications for Injunctions for Protection.

The Clerk of Circuit Court has created a separate division for processing domestic, dating, sexual, stalking and repeat violence cases in which a petitioner is requesting the issuance of an injunction. The Clerk provides support staff and training to ensure compliance with legislative directives to the Clerk in Chapters 741 and 784 Fla. Statutes. Clerks provide information to citizens who have questions about the process for obtaining an injunction for protection, furnish Supreme Court approved forms, and assist petitioners in completing the paperwork required for an injunction. They screen all domestic, dating, sexual, stalking and repeat violence cases in a dignified, private setting to determine whether the petitioner qualifies for an ex parte injunction. The clerk offers citizens information on voluntary services such as the Domestic Violence Shelter and the Department of Children and Families.

The domestic violence clerk shall check for other family law cases involving the parties and any pending criminal cases and bring those to the attention of the assigned judge along with a request for an ex parte injunction.

B. Requests for Injunctions After-hours, Weekends, and Holidays.

Persons wishing to obtain a domestic, dating, sexual, stalking, or repeat violence injunction after normal business hours, normal business hours defined to be from 8:00 a.m. to 3:00 p.m. for the Marion County Clerk of Court domestic violence office, shall do so pursuant to Marion County Administrative Order M2017-13

**C. Contested Hearings; Issues Relating to Violation of Injunction for Protection.**

When a petitioner alleges that a respondent violated an injunction for protection, but was not arrested, the petitioner may contact the Clerk of the Circuit for assistance in preparing a Petition by Affidavit for Order to Show Cause for a Violation of Final Judgment of Injunctions for Protection Against Domestic, Dating, Sexual, Stalking or Repeat Violence (“Affidavit”). The Clerk will forward a copy of the completed “Affidavit” to the State Attorney’s Office and to the appropriate family division judge. If the “Affidavit” alleges a crime, the Clerk will also forward a copy of the “Affidavit” to the law enforcement agency having jurisdiction to investigate the offense. Section 741.31, Fla. Stat.

It is recommended that judges conduct domestic, dating, sexual, stalking, and repeat violence hearings in the courtroom. The courtroom setting is more secure, and it ameliorates the intimidation that results from placing the alleged victim directly across a conference table from the alleged abuser. This also allows the bailiff to separate petitioners from respondents using witness and/or waiting areas in the secure corridor.

If a petitioner has not obtained service of process on the respondent, the domestic violence clerk will prepare an amended injunction with a new hearing date for the judge’s signature before hearings begin. Similarly, if there has not been service of process of an Order Setting Hearing without Issuance of an Interim Temporary Injunction, the clerk will prepare an amended order setting hearing with a new hearing date for the judge’s signature before hearings begin.

If the judge enters an injunction for protection against domestic, dating, sexual, stalking, or repeat violence that prohibits a child from going to a school that the child was attending, the judge shall send a copy of the order to the Director of School Choice, Marion County Public Schools (current fax number (352) 671-7153) and to the Marion County School Board attorney (current e-service address [Jeremy.powers@marion.k12.fl.us](mailto:Jeremy.powers@marion.k12.fl.us)). If the child is attending a special program for deaf, autistic, or physically impaired children, the judge shall contact the Director of Exceptional Student Education (current telephone (352) 671-6832) before prohibiting the child from going to the school to see if other alternatives are available to protect the victim. When the child will need to attend another school to comply with the injunction, the order shall provide that the student’s parent or guardian is responsible for transportation to any school outside of the student’s assigned attendance area.

**VI. GUARDIAN AD LITEM PROGRAM (Dependency Cases)**

The Fifth Circuit Guardian Ad Litem Program (“GALP”) shall represent the best interests of children involved in dependency cases when appointed by court order. The GALP shall provide the judge with objective information to assist the judge in making sound decisions for children and families involved in the dependency process.

*DBM/A*



**VII. MARION COUNTY BAR ASSOCIATION GUARDIANS AD LITEM (Domestic Relations Cases and Dependency Cases upon conflict of GALP).**

Whenever a judge finds that a child needs a guardian ad litem in a domestic relations or domestic violence case, or when the GALP has a conflict, the presiding judge may contact the Marion County Bar Associations, or the Family Law Committee of the Marion County Bar Association, concerning the possible assignment of a voluntary guardian ad litem. The guardian shall represent the child's best interests for no fee. The attorney is entitled to credit toward The Florida Bar pro bono requirements. However, if the parents are able, the court shall require them to pay a reasonable fee.

**VIII. SOCIAL INVESTIGATIONS.**

When appropriate, and particularly in high conflict domestic relations cases, judges may order a social investigation and study pursuant to §61.20, Fla. Stat., by qualified staff of the court, a child-placing agency licensed pursuant to s. 409.175, a psychologist licensed pursuant to chapter 490, or a clinical social worker, marriage and family therapist, or mental health counselor licensed pursuant to chapter 491. If a certification of indigence based on an affidavit filed with the court pursuant to s. 57.081 is provided by an adult party and the court does not have qualified staff to perform the investigation and study, the court may request the Department of Children and Families conduct the investigation and study.

**IX. CHILD SUPPORT ENFORCEMENT OFFICE.**

The Child Support Enforcement Office provides services from a Title IV-D hearing officer appointed pursuant to R. 12.491, Fla.Fam.L.R.P. The Family Law Administrative Judge is responsible for overseeing the program in Marion County.

The authority of the Department of Revenue and the Child Support Hearing Officer is limited to cases involving establishment and enforcement of child support in Title IV-D cases and where individuals are entitled to services from the Department of Revenue by state law.

Child Support cases are designated H, HC, HG, HJ, or HK. The judge assigned to the HJ docket is responsible for the H cases. Judges are responsible for signing all of the orders in their cases.

The Child Support Hearing Officer is authorized to schedule meetings of stakeholders to promote cooperation and to improve services to the public through efficient and timely establishment and enforcement of support obligations.

**X. ALTERNATE DISPUTE RESOLUTION:**

An accessible and affordable means of resolving family disputes is available through the Fifth Circuit's Family Court Mediation Program. Upon court finding, the presiding judge may refer family law cases involving disputed issues to mediation unless otherwise

*DZMJA*

excepted by statute, rule, or court order.

**XI. FAMILY VISITATION CENTER:**

A supervised family visitation center which provides supervised visitation and monitored exchange services in dependency and other family law cases may be approved from time to time. The supervised family visitation center, if any, shall comply with minimum standards for providers of supervised contact services and enter into an agreement with the Chief Judge as required by Administrative Order of the Florida Supreme Court. The supervised family visitation center, if any, may also accept requests to supervise visitation or monitor exchange in domestic relations and domestic violence cases, depending on availability of resources for a reasonable fee which may be assessed by the court.

**XII. EDUCATION PROGRAMS:**

A. All parties to a dissolution of marriage proceeding with minor children or a paternity action that involves issues of parental responsibility are required to complete a four-hour Parent Education and Family Stabilization Course approved by the Court. Section 61.21, Fla. Stat.

B. A list of approved courses for parents and children is available on the Fifth Circuit website and available through the Clerk's office.

C. The presiding judge may excuse a parent or child from attending a course upon a showing of good cause. Unless excused by the court, the parties shall file a certification of completion with the Clerk of Circuit Court before entry of a final judgment.

**XIII. FAMILY LAW ADVISORY GROUP:**

The Family Law Advisory Group ("FLAG") shall meet on a bi-monthly or other basis as determined from time to time by the FLAG. The FLAG is required by Family Courts IV, 794 So. 2d. 518, 534 (Fla. 2001), and was organized pursuant to Local Rule 6A, dated December 20, 1991, to fulfill the directions from the Florida Supreme Court to develop and facilitate "communications with court-related entities on policy with respect to family law cases." Family Courts II, 633 So. 2d 14, 18 (Fla. 1994). The FLAG is open to court staff, judges, members of the bar, social service providers, local community leaders, and other interested persons and organizations. The FLAG provides an open forum for resolving concerns about the judicial system, inter-agency conflicts, and questions about family court policies. The FLAG is also a focal point for establishing linkages with community services to benefit children and families involved in family litigation.

The FLAG shall collaborate with the Marion County Children's Alliance and existing social service providers to improve the availability of social services to children and families involved in the legal system that will address both their legal and non-legal problems.

The FLAG shall enhance cooperation among the court, other agencies, and service providers by identifying barriers to effective collaboration and by promoting full exchange of

information on the needs and limitations of the family division, agencies, service providers and our customers.

Family division judges are encouraged to attend FLAG meetings but may agree to rotate attendance so that every judge participates.

**XV. FAMILY LAW COMMITTEE, MARION COUNTY BAR ASSOCIATION:**

Family Division judges are encouraged to participate in the Marion County Bar Association Family Law Section meetings that take place monthly, excepting some summer months and holiday months. This is a wonderful opportunity for family judges to convey policies to the family bar, to hear about concerns, and to learn more family law.


**XVI. SECURITY**


Security is provided by a private security agency through a contract with the County and by officers of the Marion County Sheriff's Office who serve as bailiffs. Two bailiffs should be assigned to domestic, dating, sexual, stalking, and repeat violence injunction hearings, and judges should conduct the hearings in a courtroom. Bailiffs shall offer alleged victims the option to wait away from alleged abusers in witness areas of the secure corridor at the rear of the courtroom.

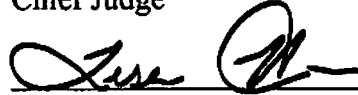
**XVII. OTHER ADMINISTRATIVE ORDERS**

The Court has entered other administrative orders that control family law procedures in Marion County and the Fifth Circuit. Those orders shall remain in full force and effect unless they conflict with specific provisions contained in this order.

**DONE AND ORDERED**, on this 2nd day of Oct., 2023.

  
\_\_\_\_\_  
Daniel B. Merritt, Jr.  
Chief Judge

  
\_\_\_\_\_  
Ann Melinda Craggs  
Family Law Administrative Judge

  
\_\_\_\_\_  
Lisa Herndon  
Administrative Judge, Marion County