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IN THE CIRCUIT COURT OF THE 16
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 5.039

IN RE:

PROCEDURES RELATING TO
EMERGENCY MATTERS IN THE
FAMILY COURT DIVISION

WHEREAS, Rule 2.215(b)(3), Florida Rules of Judicial Administration, provides that the chief judge shall develop an administrative plan for the efficient and proper administration of all courts within that circuit; and

WHEREAS, by the authority vested in the Chief Judge by Florida Rule of Judicial Administration 2.215(b)(2) and Florida Statute 43.26, it is therefore

ORDERED that the following procedures are adopted for filing emergency motions in the Family Court Division of the 16th Judicial Circuit:

1. Child Emergencies are defined as a matter of imminent abuse, neglect or abandonment affecting the health, safety or welfare of a child. Florida Statute 39.201 mandates certain alleged abuses shall be reported to the Abuse Hotline at 1-800-96-ABUSE. The moving party shall so report in writing any such alleged abuse and attach a copy of the report to a written emergency motion, which shall be signed and filed by the moving party. A copy shall be served by delivery on the opposing party and also delivered to the presiding family court judge. A Uniform Child Custody Jurisdiction and Enforcement Act(UCCJEA) affidavit shall also be filed and a copy of said affidavit shall be delivered to the presiding family court judge.
2. The Florida Supreme Court approved Family Law Forms in 12.941 shall be the only forms used for child pick-up orders and injunctions relating to children. Only those with standing by virtue of Florida law are entitled to relief. A UCCJEA affidavit shall be filed and a copy of the motion and affidavit shall be provided to the family court judge. Four copies of a proposed order that complies with the rule shall accompany the motion to the judge.
3. An emergency that is not a "child emergency" is defined by Florida Rules of Civil Procedure 1.610(a)(1)(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 providing for ex-parte relief with notice shall be filed in accordance with Florida Rules of Civil Procedure, with a copy provided to the family court judge. Four copies of a proposed order that complies with the rule shall accompany the motion to the judge.

4. A judge will determine if the facts demonstrate an emergency and whether a hearing should be set on an expedited basis, as set forth below. An emergency shall be given priority on the Court's calendar with short notice.
5. All emergency motions shall be verified and shall include a certification by the attorney or pro se litigant that the motion is an emergency as defined in this Administrative Order and under applicable law, and that the attorney or pro se litigant is acting in good faith in seeking such relief. Sanctions may be imposed by the family court judge for the filing of emergency motions that do not comply with this Administrative Order.
6. When the family division judge is away from the courthouse and an emergency matter has been filed in an assigned case, the Clerk of Court shall deliver the emergency pleadings to the duty judge handling emergency matters. If the assigned duty judge determines that the matter is in fact an emergency, the case shall be set as soon as possible. If the family court judge is available at the time the expedited hearing is scheduled to be heard, that judge shall conduct the hearing.

DONE AND ORDERED at Key West, Monroe County, Florida, this 24 day of January, 2012.



David J. Audlin, Jr.
Chief Judge