THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 20-1
(Court Administration)

ADMINISTRATIVE ORDER
NO. 20-06

IN RE: PARENTING PROCEDURES IN THE FAMILY AND UNIFIED CHILDREN'S COURT DIVISIONS DURING THE COVID-19 PANDEMIC
_____/

WHEREAS, the World Health Organization has declared the Coronavirus Disease 2019 (COVID-I9) a pandemic, the Governor of Florida has declared a state of emergency exists, and the Surgeon General and State Health Officer have declared a public health emergency exists, and the Florida State Courts must take steps to mitigate the effects of COVID-19 on legal proceedings and participants in those legal proceedings; and

WHEREAS, since March 17, 2020, the Florida Supreme Court has issued various Emergency Administrative Orders, which may be found at https://www.florida supremecourt.org/Emergency, which include ordering the cancellation or postponement of all non-essential in-person hearings; and

WHEREAS, to reduce the number of "emergency" filings and hearings until non-essential in-person hearings resume; and

WHEREAS, it is in the best interests of the parties and child(ren) that parents continue to perform their duties and responsibilities of co-parenting, share the additional responsibilities of parenting through this time, and that the parties comply with all orders and Court rules; and

WHEREAS, the Judges assigned to the Family and Unified Children's Court Divisions have developed the following protocols to be used in all family and unified children's court cases in an effort to achieve the above stated goals.

NOW THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215 of the Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. APPLICATION AND TERM OF THIS ORDER.

a. This Order is intended for all family law matters regarding parental responsibility and time-sharing, to be utilized and complied with immediately in all existing and newly filed Family Division and Unified Children's Court Division cases in Miami-Dade County. However, this Order shall not supersede or modify any existing domestic violence injunction, criminal "no contact order," or dependency order which is in conflict with these provisions.

b. This Order shall remain in full force and effect until further order of the Court, such as the resumption of non-essential in-person hearings, or a subsequent temporary order, whichever shall occur first. This Order does not preclude an individual Judge from modifying or amending this Order in individual cases where the Judge deems necessary. Any part of this Order not changed by a subsequent order shall remain in effect.

2. CONTACT WITH BOTH PARENTS; SHARED PARENTING.

a. The Court expects all parties to continue to adhere to all final judgments, temporary orders, settlement agreements, or other orders of the Court awarding parental responsibility or time-sharing.

b. Unless otherwise prohibited by an existing Court Order, each parent is prohibited from unreasonably restricting access of the child(ren) to the other parent.

c. Regular time-sharing as set forth in a Parenting Plan shall continue until the date the School District or Official governing the child(ren)'s school as designated in the parties' Parenting Plan, announces the last day of school at which time summer time-sharing shall begin. If a child's school has ended classes for the 2019-2020 school year, the summer timesharing schedule incorporated into any current Final Judgment or current Order shall begin immediately.

d. Exchanges that were to take place at a child(ren)'s school or daycare that is not currently open should be arranged between the parents in writing by email, text, or a parenting computer application. In the event the parents cannot agree on an alternate arrangement, a motion shall be filed with the Court to be handled in accordance with any subsequent Administrative Orders related to COVID-19 procedures.

e. In the event the Governor of Florida and/or any other government official(s) issues an order that requires parties to "shelter in place," no timesharing exchanges can take place. The parties shall abide by the directives applicable to their locality. Once the shelter is in place orders are lifted, parties are to resume time-sharing as previously ordered or agreed upon.

f. Video-conferencing and phone contact shall be honored as set forth in the

parties' Parenting Plan and should be increased to "regular and consistent contact" to alleviate fears and concerns the child(ren) may be experiencing during this time.

3. EMERGENCY MOTIONS AND EXPEDITED HEARINGS.

a. The Court may set a hearing in which the parties will be required to appear remotely. The Court shall follow the procedures of the administering of oaths via remote audio-video communication equipment in accordance with Florida Supreme Court Orders AOSC20-16, AOSC20-17 or any subsequent Administrative Orders adopted thereafter.

b. Parents are strongly cautioned that unreasonable, hurtful, or destructive behavior may be sanctioned by the Court in accordance with Chapter 61 of the Florida Statutes.

4. COMMUNICATION.

a. The Court expects all parties and attorneys to cooperate in the scheduling of telephonic or electronic hearings, and, when possible also depositions, mediations, and other out-of-court interactions. The parties and attorneys shall comply with existing procedures regarding cancellation of existing appointments. Wherever possible, parties and attorneys shall make good faith efforts to cooperate in converting existing appointments to virtual or telephonic venues.

b. The Court requires parties to discuss any motion before a party sets the motion for a hearing to see if the parties can reach an agreement. This requirement can be fulfilled by personal telephone call or the exchange of emails or texts.

5. SELF-REPRESENTED PARTIES.

a. Self-represented parties may obtain forms that have been approved by the Florida Supreme Court by accessing https://help.flcourts.org. Once at that website, click on the icon for "Find Forms " and then click on the icon for "Family Forms." The forms are available without charge. In addition, Self-represented parties may obtain procedural guidance from the Family Court Self Help Program (SHP) for emergency matters only at the Lawson E. Thomas Courthouse Center, 175 N.W. 1st Avenue, Room 2441, Miami, Florida 33128. Due to the COVID-19 pandemic, Self-represented parties should consult the Circuit's website at https://www.jud11.flcourts.org/Family-Court-Self Help Program to ascertain which other services are available via chat.

b. The self-represented party will be governed by the same rules of law, procedure, and evidence that lawyers are required to follow.

c. A self-represented party must file his or her pleadings with the Clerk of Court either in person or through the Florida Courts E-Filing Portal and send copies simultaneously to other lawyers or self-represented parties. Self-represented litigants would, after the emergency has lifted, then be able to continue to use the e-portal for all

pleadings filed in their case. To register for the Florida Courts E-Filing Portal go to https://www.myflcourtaccess.com.

d. A self-represented party will have to register with courtMap in order to schedule and be apprised of hearings at https://www.jud11.flcourts.org/Programs-and-Services/Online-Services/courtMAP.

e. Self-represented parties must immediately notify the Clerk of Court and all other lawyers or parties in writing of any change in mailing address, telephone number, or email address.

f. The Court takes judicial notice of the CDC recommendations and all Administrative Orders issued by the Supreme Court of Florida and expects parties to adhere to these Orders and follow CDC recommendations.

6. PROCEEDINGS.

a. The Eleventh Judicial Circuit shall continue to perform mission critical matters and other court proceedings and events that can be effectively conducted remotely without the necessity of in-person appearances in accordance with the Eleventh Judicial Circuit Administrative Order 20-05 or any subsequent Administrative Orders related to COVID-19 procedures.

b. Parties are encouraged to check the presiding judge's website for individualized procedures at https://www.jud11.flcourts.org/About-the-Court/Judges/Judicial-Directory.

c. This Administrative Order shall be subject to modification, addition, and extension as changing facts and circumstances may require.

DONE and **ORDERED** at Miami, Miami-Dade County, Florida, this 2 day of April 2020.

BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA