

King County, Washington



Presenters

Nikki Parisi, General Counsel, *Association of Prosecuting Attorneys*

Lora Dunn, Director, Criminal Justice Program, *Animal Legal Defense Fund*

David Martin, Senior Deputy Prosecutor, Chair Domestic Violence Unit, *King County Prosecuting Attorney's Office*

Hon. Carroll Kelly, Administrative Judge, Domestic Violence Division, 11th Judicial Circuit, *Miami-Dade County*

Hon. Randy Wilt, Associate Circuit Judge; Presiding Judge Domestic Violence Coordinated Courts, *Winnebago County*

Nicole Ticknor, Project Manager, Domestic Violence Coordinated Courts and Domestic Violence Homicide Prevention Initiatives, *Winnebago County*

Moderator

Robyn Mazur, Director, Gender and Family Justice Programs, *Center for Court Innovation*

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March 25, 2020

MEMORANDUM

TO: King County Law Enforcement Agencies

FROM: David Martin, KCPAO DV Unit Chair
Erin Overby, KCSO Legal Advisor
Rebecca Boatright, SPD Legal Advisor

SUBJECT: **GUIDANCE FOR LAW ENFORCEMENT SERVICE OF CIVIL PROTECTION ORDERS AND CRIMINAL NO CONTACT ORDERS UNDER COVID-19**

The Washington State Supreme Court has issued an order related to COVID-19:

- In section 3, the Court deemed civil protection and restraining orders to be emergency matters that must be heard by means that do not require in-person attendance, if possible.
- In section 6, the Court allowed criminal ex parte no contact orders to be issued in filed sex, domestic violence, stalking, and harassment cases pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040. The Court permitted such orders to be served upon the defendant by mail. **HOWEVER, this provision does not relieve the State of proving that the defendant knew of the existence of such an ex parte order in any prosecution for a violation of the order.**

A no contact or protection order must be entered and served by law enforcement. Given the Supreme Court's COVID 19 order, can law enforcement choose not to serve a Protection Order altogether?

No. The Domestic Violence Prevention Act requires that a protection order be personally served by the "sheriff of the county or the peace officers of the municipality in which the respondent resides...unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under [RCW 9.41.800](#) for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer." RCW 26.50.090(2). Moreover, given the serious issue of delays in arraignments in filed domestic violence, sexual assault, and stalking cases due to the current pandemic's effect on the criminal justice process, combined with widespread reported increase in DV due to home confinement, protection order service is now more important than ever.

May LE engage in alternatives to personal service during the pandemic?

Yes and no. If weapons are ordered to be surrendered under RCW 9.41.800, then in-person service is required. If an order to vacate accompanies the protection order, then in-person service is required. However, if no weapons surrender or order to vacate is included, then alternative service is recommended, and expressly allowed under the Supreme Court's recent order.

Is service by publication or mail effective/sufficient for criminal prosecution?

Rarely. [RCW 26.50.115\(1\)](#) provides that a respondent cannot be prosecuted unless he or she knows of the order. [RCW 26.50.115\(2\)](#) requires the investigating officer to ascertain whether the respondent knew of the existence of the order, and if not, to make reasonable efforts to serve the order and then enforce prospective compliance. Service, in this context, is the way we prove knowledge. Service by publication and by mail may be insufficient to prove knowledge in many instances, because the restrained party's discovery of the order's existence is, typically, unwitnessed in such circumstances.

What are effective ways to prove knowledge?

If there are no firearms or an order to vacate:

- **Phone:** Call the respondent and document call on Return of Service. Strongly consider recording the conversation. (Consent is desirable but not required. Washington law does not prohibit the recording of telephonic conversations between a civilian and a law enforcement officer conducting her or his official duties, so long as the civilian knows that he is speaking to a law enforcement officer.) Indicate what was relayed to the respondent. Information to be relayed should include prohibitions and date, time and location of hearing. Best practice: get an email address and/or text number from the respondent and follow up by emailing and/or texting documents (see below).
- **Text:** If you have a mobile number for the respondent that accepts texts, text the documents to the respondent. Screenshot the text message exchange and include with the Return of Service
- **Email:** If an e-mail address exists for the restrained party, send them the order by email. Remember, turn on read receipt if by email, and make sure to retain the email sent and the read receipt. The email should be kept electronically, and not just printed out and stored in the case file. The metadata associated with the electronic original may prove important.
- **Mail:** If you have no other option than to mail the order, include mailing information on the Return of Service. Consider using certified mail and including return receipt.

Winnebago County, Illinois



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COVID-19 Staff Procedures for Remote OP/SNCO/CNCO filings

1. Petitioners will be directed to the website illinoisprotectionorder.org to file and submit the petition for an Order of Protection (or CNCO or SNCO)

- Information regarding how to file can be found on the court's website, Remedies and Rockford Sexual Assault Counseling (RSAC) are also aware of these procedures and can assist with safety planning.

2. Once the petition is completed and submitted, the petitioner must contact the clerk's office at 815-319-4500 and inform the clerk an OP was submitted. The clerk will use a checklist (attached) to ensure the following information is gathered from the petitioner:

- Name
- Safe address for mail
- OP Receipt Number (RED Receipt number)
- A safe and reliable phone number that the judge and clerk can use
- An email address for purpose of providing documents (at this time, documents will be mailed or picked up due to staffing limitations. Email may be an option moving forward and as such email address should be requested)

3. The clerk will inform the caller/petitioner of the following:

- The OP paperwork was received and will be processed and reviewed by a judge.
- When the judge reviews the order, the judge will call the petitioner. ***The clerk will stress the importance of answering this call and ensuring that it is a safe number to be contacted at.*** The petitioner should be informed that if they do not answer, the order could be dismissed. The court will not leave a message.
- The clerk will inform the petitioner of a time to expect the call. Petitioner should be informed the judge will contact them between the hours of 11:00-12:00p or 3:30-4:30p (whatever is soonest) and end the call.
- If an order is filed after 3:15, the clerk should inform the person the order will be processed the next business day and they will receive a call between 11:00 and 12:00p.

4. The clerk will enter the OP system and "pick up" the order. This includes:

- Creating the summons number
- Creating the case number
- "Dotting" the signature line to the system unlocks for the judge
- All normal case association and assignment practices for orders of protection should be followed
- The clerk will determine the appropriate plenary hearing date and bring this information to the judge with the file

5. The clerk will print copies of the petition and any other necessary information and place this in the case file. The file will be brought up to the judge as instructed by bailiff or administrative staff.

6. The judge will review the petition and grant or deny the EOP. See attached Judges instructions for how to do this. The judge will ensure the petitioner knows their next court date and will ask the petitioner if they would like their paperwork mailed or if they would like to pick it up at the clerk's office.

7. Once the judge has completed the review and entry/denial process, the file will return to the clerk for processing.

8. The clerk will proceed with standard practices regarding sending the proper documents to the Sheriff's department for processing and service.

9. The clerk will add a blank plenary order to the court file so the order is available when the case comes back to court. Due to staffing limitations, the plenary order will not be pre-populated *except for the case number and party names*. The court or their designee will need to populate the order at the time of the plenary hearing.

COVID- 19 EOP/SNCO/CNCO Guide for Judges

1) Receive call from clerk/bailiff that an order is ready

- a. At this time, the Verified Petition for Order of Protection will have been prepared by the petitioner and reviewed by the clerk
- b. The clerk will have issued the summons and given a case number.
- c. The clerk will have previously spoken with the petitioner and informed them the court will be calling them to review the order of protection.

2) Access the online system

- a. Proceed to the website- illinoisprotectionorder.org – this can be done from any device that has access to the internet (computer, tablet, etc).
- b. Click on the gavel in the picture
- c. Log in with the following:
 - i. Username: [REDACTED]
 - ii. Password: [REDACTED]
- d. Click on “Judges View”
- e. Enter the 7 digit receipt number provided to you by the clerk (second box down) OR select “View All” and review the petition by case name.

3) Review the petition and contact petitioner. Call petitioner on phone at the number provided by the clerk. Be mindful of petitioner safety in the event a different person answers the phone or a message is left. *If an attorney filed the order for the petitioner, see part (d) below.

- a. The clerk will print off a hard copy of the petition when the file is brought up for review. If you would like to view the petition electronically: on the left hand side of the screen, click the PDF icon to review the petition.
- b. **The petitioner will not have the ability to sign the order. You must swear the petitioner in over the phone and indicate on the petition signature line that the petition was filed electronically and verified telephonically. The judge must sign with the judge name, date, and time.**
- c. If the petitioner does not answer, pass the case, and try to contact the petitioner again. If the petitioner does not answer within the scheduled call back time frame, the case can be dismissed. You do not need to leave a message.
- d. *For cases that are filed by an attorney, the clerk will collect the attorney (not petitioner) call back information. The clerk will inform the attorney that the attorney is responsible for

providing the judge with the petitioner's information when the judge contacts the attorney during the scheduled call back time.

4) Grant/Modify/Deny the EOP.

- a. On the left hand of the screen, click on the **receipt number (not the PDF icon)**.
- b. Select your Order Type: **New Emergency** (*If you go "back" you will lose progress*)

i. New Emergency

1. Enter safety indicators, all findings, OP expiration date/time (*enter dates first then times—cannot use weekend or holiday*), next court date/time/room.
Expires: next court date, 11:59pm **Next court date will be provided to you by the clerk*.**
***clerks and judges are encouraged to use the maximum allowable time frame of 21 days for the initial granting of civil EOPs. EOPs associated with criminal matters may be able to be granted beyond the 21 day time frame.**
***If the return court date is in the Criminal Justice Center, the address will need to be adjusted on the Emergency Order and Summons to reflect CJC address: 650 W. State St. Rockford, IL 61101**
2. Make any modifications to gray checked boxes.
3. Mark that petitioner, defendant, and sheriff get copied on order.
4. Inform the petitioner of their next court date and ask them whether they would like their copies sent via mail or if they would like to pick them up from the clerk's office.

OR

ii. Deny Order

1. If denied, but set for hearing, inform the petitioner of their next court date and ask them whether they would like their copies sent via mail or if they would like to pick them up from the clerk's office.
2. The deny and dismiss order provided by the clerk's office should be completed.

5) You may preview the order before saving and submitting.

- a. You will be prompted that you cannot make changes once signing. "X" out of the Order to close.

6) Confirm the order and "sign" by entering your Password on the very last screen. You must do this so the order is signed.

7) Log out of the system

Tips , Tricks, Remedies:

- 1) When possible, proceedings for remote EOP's should be heard on the record with electronic recording.
- 2) You can navigate/jump through the Order by using the shortcut folders on the left hand side of the screen.
- 3) If you miss something critical (such as making a finding), the system will not let you move forward.
- 4) **Remedy 14.5 Firearms:** This remedy is not available for an EOP, but is likely requested in the petition. For some reason, it will populate this remedy in the EOP. If you want to change this, you can unmark 14.5 on the EOP and enter "Shall not possess firearms" in Remedy 17.
- 5) You may be prompted to enter information in "**Part C. R.05(c)**". This means that the petitioner has selected R.15 which prohibits the respondents from access school or other records. If R.15 is checked, the school or other places must be listed in R.05(c). Otherwise, uncheck R.15
- 6) **What if I close out, lose connection or "x" out of the wrong screen?** You can simply log back in with your judge username/password, select the correct petition using the procedures above, and then click on the 7-digit receipt number to pick up where you left off. As above, use the shortcut folders on the left-hand side of the screen to jump to the section where you previously were.
- 7) **Remedies: R01)** Prohibition of Abuse, **R03)** Stay Away, **R05)** Temp Possession of Children, **R08)** Not Conceal Children in IL, **R09)** Turnover Children in Court, **R11)** Not dispose of property, **R)11.5** Pets, **R14)** Not enter the house under the influence, **R15)** Not have access to kids' records, **R17)** Miscellaneous Remedy, and **R18)** Cell phone plan.
- 8) **Reserved Remedies: R06** (temporary custody), **R04** (counseling), **R12** (child support), **R13** (economic support) are reserved for plenary.
- 9) Return the file to clerk immediately following the phone call/proceeding so the clerk can process the order and make copies.

Stuck? Having a Problem? Call Robin or Nikki:

Nikki Ticknor: 815.289.2984 **Robin Bach:** 815.540.1515

Emergency Order of Protection, Stalking No Contact Order and Civil No Contact Order

In response to the public health crisis presented by the COVID-19 coronavirus, the 17th Judicial Circuit Court of Winnebago County, Illinois has made available the ability to file a request for the following emergency protection orders during the business hours of 8:00am- 4:30pm through an online (remote) process:

- Emergency Order of Protection;
- Stalking No Contact Order; and/or
- Civil No Contact Order.

Each type of emergency order mentioned above has its own legal requirements and limitations and not everyone will qualify for an emergency order. Please know that with or without an emergency protection order, if you are in danger, you should call 911 for help.

If your petition for an Emergency Order of Protection, Stalking No-Contact Order or Civil No Contact Order is granted, the order can be in place for up to 21 days. Following this, you will need to come to court in person to ask that the emergency order be extended. You will be provided the date of this hearing at the time your emergency order is granted. Please note the respondent to your emergency order will be provided with the same date and is able to appear at that time and contest an extension of the emergency order against them. Please be prepared at this time to provide information as to why you need to extend the emergency order. Although not required you may want to consider speaking with an attorney and/or seek legal representation.

For more information about the type of order you may qualify for filing, please see the below section entitled: *"Information to help determine if you may qualify for an emergency protection order."*

Please see the directions below in how to file for an Emergency Order of Protection, Stalking No Contact Order and/or Civil No Contact Order. **Please note that after you complete the form online you will be required to contact the Winnebago County Clerk's Office at 815-319-4500 during the hours between 8:00 AM and 4:30 PM to ensure steps are put in place to complete your request. For same day processing, your paperwork must be filed electronically and you must contact the clerk's office by 3:15pm.** If your paperwork is filed after this time, your request will be processed the next business day and you must contact the clerk's office the next business day to ensure the order is processed.

How to Proceed with Filing an Emergency Order of Protection, Stalking No Contact Order and/or Civil No Contact Order Online

Using any device with access to the internet, such as a tablet, computer or a phone, go to www.illinoisprotectionorder.org. Select Winnebago County as the county in which you want to file your petition and then click on the type of emergency order you want to file.

Once directed to the next page, click "Start Here" to begin the process of completing the petition for the protection order. Please write down and keep the **RED** receipt number that you are given once you begin the online order of protection filing.

As you work through the program, fill in the appropriate information. Please be as accurate and detailed as possible. Should you have questions about the information required or legal relief available, you can click on the **brown question mark** labeled "Help" throughout the document.

Once you complete the petition for the emergency order, you will be brought to a Confirmation page. Please note your **RED** receipt number and once you have determined you are ready to submit the document select "I'm Done." This will submit your emergency order request to the Winnebago County Circuit Clerk's Office.

ONCE YOU HAVE SUBMITTED THE ORDER BY SELECTING "I'M DONE" YOU MUST CONTACT THE CIRCUIT CLERK'S OFFICE AT 815-319-4500 during the hours between 8:00 AM and 4:30 PM. YOUR PROTECTION ORDER WILL NOT BE FILED WITH THE COURT OR HEARD BY A JUDGE IF YOU DO NOT COMPLETE THIS STEP.

When you call the Winnebago County Circuit Clerk's office, tell the person answering the phone that you submitted a petition for an emergency order online. You will need to provide the Clerk with the **RED** receipt number you were provided when you completed your petition for an emergency order online. The Clerk will gather information from you such as your phone number and address to ensure that a Judge can contact you to review your order and to ensure that the Court can send you the proper paperwork if your emergency order is granted. **Please provide the Winnebago County Circuit Clerk's Office with a safe and reliable way to contact you. If you are not available the Clerk will need to leave you a voicemail so that you can return their call.**

After you provide this information to the Clerk, they will inform you of the next steps and when you can expect to be contacted by the Judge. You must answer the phone in order for the Court to be able to proceed with your request for an emergency order. A judge will contact you at the phone number you provide to talk with you about your petition for the Emergency Order of Protection, Stalking No Contact Order or Civil No Contact Order, ask you questions, and let you know if your order is granted. You will be provided with your next court date to request an extension of the emergency order. The documents you need for your emergency order will be mailed to you, or you may choose to pick them up at the Winnebago County Circuit Clerk's

Office in Room 108 of the Winnebago County Courthouse as long as the courthouse remains open to the public. The Winnebago County Sheriff's Police Department will proceed with serving the appropriate paperwork to the person you have requested protection from (the respondent).

REMEMBER: YOUR EMERGENCY ORDER IS NOT ACTIVE UNTIL IT IS GRANTED BY A JUDGE. YOU MUST CALL THE CLERK AND THEN SPEAK WITH A JUDGE DIRECTLY BEFORE THE PROTECTION ORDER CAN BE PUT INTO EFFECT.

Additional Assistance

If you feel you would like additional guidance with your online request for an emergency protection order, there are organizations who may be able to assist you. Like the courts, local advocacy organizations are modifying their in-person services to ensure the safety of the people they serve, their staff and the public at-large. Please feel to reach out by phone to the following organizations for possible assistance:

Do you need help filing this petition?	
If you don't know how to file this petition, please call or visit the website of the following legal agencies. They can provide information to help you file your Order of Protection.	
Domestic Violence Assistance Center (legal advocacy office)	(815) 516-2440 http://www.remediesrenewinglives.org
Winnebago County State's Attorney's Office	(815) 319-4700 http://wincoil.us/departments/states-attorney/
Zeke Giorgi Legal Clinic	(815) 962-9980
Prairie State Legal Services	(815) 965-2134 http://www.pslegal.org
Remedies Renewing Lives (24-hour hotline)	(815) 962-6102 http://www.remediesrenewinglives.org
Rockford Sexual Assault Counseling, Inc.	(815) 636-9811
Children's Safe Harbor	(815) 316-7772 http://www.childrendefeharbor.net
Visiting Nurses Association	(815) 971- 3502
Winnebago County Bar Association Lawyer Referral	(815) 964-4992 http://www.wcbarockford.org
State of Illinois' Domestic Violence Help Line	1-877-TO END DV or 877-863-6338 (Voice) 1-877-863-6339 (TTY)

National Sexual Assault Hotline 1-800-656-4673

National Domestic Violence Hotline 1-800-799-SAFE (7233)

**Information to help determine if you may qualify for an
emergency protection order:**

1. Relationship to the Respondent

The person needing protection is called the "Petitioner" and the "Respondent" is the person that you want protection from. **How are you related to the Respondent?**

- We are married, or we used to be married (husband, wife, spouse).
- We are dating each other, or we used to date (boyfriend, girlfriend, intimate partner).
- We have a child together.
- We are family members (parent, child, sibling, step-parent, step-child, or other family relationship).
- We live together, or we used to live together (roommate, housemate, live-in partner).
- I have a disability, and the Respondent is my caregiver (personal assistant).

You must be able to check at least one of these boxes. An Order of Protection only covers these kinds of domestic relationships.

If you are not related to the Respondent in any of these ways, then you don't qualify for an Order of Protection under the statute. However, you may qualify for a different kind of civil order such as a:

- **Civil No Contact Order**: If you were sexually assaulted, **call Rockford Sexual Assault Counseling at 815-636-9811** . They may be able to help you get a Civil No-Contact Order.
- **Stalking No Contact Order**: For other situations, you may qualify for a Stalking No Contact Order.

Please follow the procedures listed above for the filing of a Civil No Contact or Stalking No Contact Order.

2. Recent Incident of Abuse or Threat

Abuse can be physical or sexual (grabbing, pushing, hitting, kicking, choking, forcing you to do things you do not want to do), verbal or harassing (threats to hurt you, repeated phone calls or text messages), stalking (following you) or other similar behaviors. These are a few things that the judge will look for:

- The Respondent has done something abusive (physical, verbal, harassing or stalking).
- The Respondent has a history of abuse toward you or other people.
- The abuse is getting worse, or you think the abuse would get worse if the Respondent knew you were trying to get an Order of Protection.

If you are not sure whether what happened to you is abuse, you may want to talk to an advocate or lawyer. 24 -hour hotline advocacy is available through Remedies Renewing Lives at 815-962-6102.

3. Location

It is important to file your petition for emergency protection with the right court. **Which of these are true for you?**

- I (the Petitioner) live in Winnebago County.
- The Respondent lives in Winnebago County.
- The abuse happened in Winnebago County.
- I (the Petitioner) fled to Winnebago County for my safety, and I am living here for right now to stay safe.

You must be able to check at least one of these boxes. If none of these are true for you, then you will need to get your order in a different county.

Online Order or Protection Worksheet

Name: _____

Address: _____

Safe Contact Phone Number: _____

Receipt Order of Protection: _____

Email: _____

Copies to be:

A. Picked up

B. Mailed

Miami-Dade County, Florida



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**MIAMI DADE COUNTY
DOMESTIC VIOLENCE COURT
COVID-19 REMOTE ORDERS OF PROTECTION (Civil & Criminal)**

CIVIL ORDERS OF PROTECTION (OFP)

OFP Filings:

- All civil injunction intake centers are open to assist petitioners with filing OFPs.
- At intake centers clerks are assisting petitioners with completing OFP petitions via phone and are complying with social distancing requirements.
- Completed petitions are forwarded to emergency Judges by clerks via email. Order are signed remotely using Smart Forms application and returned to clerks via email for processing.
- Orders provided to Petitioner in person by clerks.
- Ex parte OFPs and orders to appear for hearing are forwarded to the sheriff for service.

OFP Hearings:

- Permanent Injunction (OFP final) hearings are now being scheduled via Zoom.
- Cases previously set were extended 30 days, and then another 30 days pursuant to Florida Supreme Court COVID-19 AO.
- Continuances are being liberally granted.
- Waiting rooms allow court to bring litigants in individually to be told about security features such as how rename themselves and how to change their background.
- Zoom instructions are provided to all litigants (also available in Spanish).
- Parties are instructed to call judicial assistants prior to hearing date to email evidence and assist with any Zoom related questions.
- Evidence sent to court is put into folder and judge can then screen share the evidence.
- Litigants are given opening colloquy to explain the proceedings and ground rules for remote hearings.
- Litigants are placed under oath by judge and if question of identity, asked to show their license or other government issued ID.
- Interpreters are provided by the Court at all hearings.
- Victim Advocates are available to join via Zoom.
- Legal Aid/Injunction for Protection attorneys appear via Zoom.
- All hearings are recorded by court reporter who appears via Zoom and court recording on Zoom.
- Breakout rooms are utilized for private conversations between litigants and victim advocates and litigants and attorneys.
- Evidence that has been admitted is sent to the clerks via e-mail.
- Evidence presented during hearing is being described in detail by the court to ensure record is maintained.

- Once hearings are concluded orders are prepared by case managers and emailed to Judges. Completed orders are emailed to clerks for processing and are mailed to parties. Orders can also be sent via email.
- Clerks immediately forward final OFPs to sheriff for service.

CRIMINAL NO CONTACT ORDERS

- Defendants arrested for misdemeanor DV offenses required to appear at daily DV bond calendar.
- DV misdemeanor bond calendar scheduled via Zoom.
- Clerk of courts e-mails the judge the calendar, the priors, the case history sheet and the arrest affidavit prior to the hearing.
- All stakeholders are present via Zoom: Judge, State Attorney, Public Defender, private attorneys, clerks, interpreters, corrections / pretrial release.
- Defendants appear from jail via Zoom.
- Public Defender temporarily appointed in all cases.
- Public Defender conducts Zoom meeting with all defendants one hour prior to bond calendar.
- Judge issues stay away (no contact) order in all cases. Provisions of the stay away order are read to all defendants. This includes no firearms and no-contact. Defendants must state on the record that they understand all terms.
- Stay away orders may include no alcohol or illegal drugs.
- GPS ankle bracelets being extensively used in conjunction with lower monetary bond.
- Orders are signed by Judges after bonds calendar and sent via email to the clerks for processing.
- Victims who wish to modify the no-contact order may appear via zoom.
- Victim advocates are available via Zoom for private breakout session with victim.

DOMESTIC VIOLENCE BOND HEARING AND EMERGENCY MOTION PROTOCOLS

Date: Effective April 22, 2020

Purpose: The below protocols are required during the current Covid-19 pandemic and allow for domestic violence bond hearing and emergency motions to be conducted remotely utilizing the Zoom platform. All attendees will attend remotely. The same bond hearing duty judge will be assigned to cover all bond hearing and emergency motions on a weekly basis.

BOND HEARINGS:

Time:

11:00 AM Monday-Friday*.

One DV judge will be assigned weekly.

*Although the bond hearing will begin at 11:00 AM, the Department of Corrections will make all in custody Defendants on the DV bond hearing calendar available via Zoom at 10:00 AM on the day of each hearing.

*The PD will utilize from 10-11:00 AM to cover all necessary matters with in custody Defendants prior to the start of the calendar.

Invitation:

The assigned DV Judge's judicial assistant will send all attendees the Zoom Meeting invitation, link and password.

Private counsel should call the chambers of the judge assigned to bond duty to get the meeting ID and Password.

Remote Attendees*:

- Judge
- ASA
- PD
- Department of Corrections at TGK
- Department of Corrections/Pretrial Release Unit
- Clerk of Courts
- Court Reporter
- Interpreter

*See attached Invite List for all invitee emails.

Responsibilities:

- 1) ASA:
 - a. Prepare all D priors and stay away orders
 - b. Email priors and stay away orders to Clerk
 - c. Share all mutually agreed information with PD before the bond hearing
 - d. Represent the State of Florida at all bond hearings
- 2) PD:
 - a. Create Zoom meeting invite for 10:00-11:00 AM each day prior to bond hearing
 - b. Attend Zoom meeting from 10:00-11:00 AM to address all in custody Defendants set for bond hearing
 - c. Attend entire bond hearing starting at 11:00 AM representing all Defendants on bond calendar
 - d. Send clerk orders appointing PD prior to bond hearing for each Defendant

Note: Private counsel must contact the judicial assistant of the judge presiding over the bond hearing to obtain Zoom invite information to remotely appear at the bond hearing.

3) Clerk:

- a. Each D will have an individual pdf packet that includes:
 - i. Case History Sheet with name of D and Case Number
 - ii. A-Form
 - iii. Stay Away Order
 - iv. Priors
 - v. Order appointing the PD
- b. Send one email, with individual pdf packets attached to the presiding judge by 10:30 am
- c. Send Department of Corrections bond hearing calendar as soon as possible prior to bond hearing
- d. Process all paperwork and orders received from presiding judge at the conclusion of the bond hearing and send copies to all parties other than the presiding judge

4) Department of Corrections (TGK):

- a. Present and monitor all Defendants with jail cards at TGK utilizing Zoom platform for bond hearing starting at 10:00 AM (Monday through Friday)
- b. Capture all Department of Corrections required information on jail card

5) Department of Corrections – Pretrial Release Unit:

- a. Attend all bond hearings and prepare necessary pretrial release paperwork
- b. Email all pretrial release documents to the presiding judge immediately following each bond hearing in pdf format

6) Interpreter

- a. Attend all bond hearing calendars from 10:00 AM until conclusion
- b. Provide all interpreting services

7) Judge:

- a. Preside over all aspects of bond hearing
- b. Provisionally appoint the PD on all cases
- c. Set bond/release conditions
- d. Complete and sign all paperwork and orders received from Clerk and Department of Corrections utilizing smart forms application
- e. Email completed paperwork and orders to the Clerk as soon as possible following bond hearing

EMERGENCY MOTIONS

1. Following bond hearing calendar, the DV bond hearing duty judge will hear emergency motions. All participants will appear remotely via Zoom.
2. To place an emergency motion on calendar, the filing party must contact the DV bond hearing duty judge. Do not contact the COC. Please make sure you have EXHAUSTED the possibility of an agreed order or ruling on the emergency motion. Please include the following in your motion:
 - a. If your client's presence is required
 - b. If your client needs an interpreter
 - c. Name, Case #, JLN, dob of your client
 - d. Copy the opposing ASA or APD on your motion
 - e. Set forth efforts made to reach an agreement with opposing counsel
 - f. Motion must set forth all legal grounds relied upon by party filing motion as well as specific facts qualifying the motion as an Emergency.
3. Upon receipt of an emergency motion, the DV bond hearing duty judge will:
 - a. Review all requests for emergency hearings and determine whether
 - i. the issue can be ruled on without a hearing or
 - ii. the issue is an emergency and necessitates a hearing or
 - iii. the issue is not an emergency and will be set in normal course
 - b. If the judge grants the emergency hearing, the DV bond hearing duty Judge/JA/Bailiff are responsible for sending the Zoom invite to the parties, corrections, interpreter, reporter and the clerk. Once invitation received, the Department of Corrections will ensure the Defendant's presence via Zoom.
 - c. If the motion is filed on a Friday, the bond hearing duty judge will rule on whether the motion is an emergency. If deemed an emergency requiring a hearing, the DV bond duty hearing judge will inform the DV judge covering bond duty for the following week. It will be the responsibility of the DV bond hearing duty judge covering the following week to set the hearing.

Undécimo Circuito Judicial Sector de Violencia Doméstica

ACCESO A PROCEDIMIENTOS JUDICIALES

Efectivo a partir del 6 de abril 2020

CORONAVIRUS COVID-19

LO SIGUIENTE APLICA A TODOS LOS ABOGADOS Y PARTES SIN REPRESENTACION LEGAL

El Juez _____ está abriendo su sala virtual del tribunal, a la cual puede usted acceder a través de la plataforma de videoconferencia ZOOM *.

* ZOOM es una plataforma de videoconferencia gratuita donde todos los participantes en una audiencia, incluyendo el juez, las partes y los abogados, pueden conectarse y comunicarse en tiempo real utilizando audio y video en sus dispositivos individuales, desde diferentes locales separados. Se requiere conectividad de Internet para que ZOOM funcione en su dispositivo.

ZOOM funciona en cualquier dispositivo que tenga una cámara, un altoparlante, un micrófono y conectividad de Internet, como un teléfono inteligente, computadora u ordenadora, ordenadora portátil y / o tableta.

Audiencias Finales de Interdicto

Usted recibirá un Aviso de Audiencia ya sea por servicio personal o por correo.

- **POR FAVOR SIGA LOS DETALLES DE LAS INSTRUCCIONES DE SU AVISO DE AUDIENCIA, QUE DESCRIBEN CÓMO ACCEDER A SU VIDEOCONFERENCIA CON ZOOM.**
- **DEBE ASISTIR A SU AUDIENCIA DE FORMA REMOTA MEDIANTE LA APLICACIÓN ZOOM VIDEOCONFERENCIA. ZOOM también funciona haciendo una llamada telefónica, para aquellos que no pueden acceder por videoconferencia.**
- **NO COMPARESCA EN PERSONA EN EL TRIBUNAL:** En este momento, debido a la pandemia COVID-19, NO se le permite comparecer en persona en el tribunal.
- **CORREO ELECTRÓNICO:** si tenemos su dirección actual de correo electrónico, también será comunicado por esa vía para informarle de la información necesaria para participar en una audiencia con la plataforma ZOOM. Esta misma información también se incluirá en su aviso de audiencia. Comuníquese con el asistente judicial del juez en _____ [@jud11.flcourts.org](mailto:_____@jud11.flcourts.org), para proveernos con su dirección de correo electrónico. Por favor incluya su número de caso en la línea de asunto cuando mande correos electrónicos.

- ACCESO: si una de las partes no tiene acceso a una computadora o dispositivo inteligente, comuníquese con el despacho del juez o el administrador de casos asignado, al menos dos días hábiles antes de la fecha de su audiencia.
 - ACCESO TELEFONICO: si no tiene capacidades de videoconferencia, puede llamar al número de teléfono específico de la conferencia de Zoom que se le proporcionará en su aviso de audiencia para acceder a la audiencia. Le repetimos, por favor llame al despacho del Juez al menos dos días hábiles antes de su audiencia para notificarnos que no tiene acceso de video en la plataforma de Zoom.
-
- PRUEBAS Y TESTIGOS: El Juez puede considerar pruebas y escuchar testigos, si los hay, durante estas audiencias virtuales. Consulte a continuación para obtener información adicional.

POR FAVOR REGISTRESE PARA E-PORTAL

Para recibir una copia de cualquier orden judicial asentada por el tribunal en su caso. También debe inscribirse en el siguiente portal electrónico:
<https://www.myflcourtaccess.com/default.aspx>

Mociones Previa al Juicio

Cualquier moción previa al juicio se puede asentar con el Secretario de Tribunales de Violencia Intrafamiliar [Domestic Violence Clerk of Courts], por correo electrónico a dvmotions@jud11.flcourts.org, o por fax al (305) 349-5559, antes de la fecha de la audiencia. Incluya su número de caso en la línea de asunto en su correo electrónico. El enlace a un formulario en blanco está incluido en este documento.

Evidencia/Pruebas

Debe enviar al asistente judicial del juez, por correo electrónico, cualquier prueba o evidencia que tenga la intención de presentar durante la audiencia. Enviar a _____@jud11.flcourts.org, al menos dos días hábiles antes de la fecha de su audiencia. El asistente judicial enviará esta evidencia a la parte contraria, si es necesario. Incluya en su correo electrónico su número de caso en la línea de asunto.

Testigos

Si cualquiera de las partes tiene un testigo esencial que tenga conocimiento directo y personal de las alegaciones en la petición, el Juez tomará una determinación con respecto a la necesidad del testimonio del testigo y puede aplazar el caso si el testigo no está disponible.

NO se permiten que niños testifiquen, A MENOS QUE se presente una moción de acuerdo a la ley Fla.Fam.L.R.P.12.407, y una orden que permita que el testimonio sea otorgado antes de la audiencia.

Apoyo Temporal de Manutención Filial

En casos donde se han alegado problemas de apoyo temporal de manutención filial en los alegatos, ambas partes deben completar una declaración jurada financiera de formulario corto y enviar el formulario por correo electrónico al asistente judicial a _____@jud11.flcourts.org. Incluya el número de caso en la línea de asunto de su correo electrónico. El enlace a la Declaración Jurada Financiera de Forma Corta se encuentra en este documento.

Derechos de Visita

Cualquier padre que solicite una orden de visita temporal, que no haya establecido legalmente la paternidad o que no esté casado con la madre del niño en el momento del nacimiento del niño, debe completar un formulario de Reconocimiento de Paternidad y enviar el formulario por correo electrónico al asistente judicial del juez a _____@jud11.flcourts.org. Incluya su número de caso en la línea de asunto en su correo electrónico. El enlace del formulario de Reconocimiento de Paternidad se encuentra en este documento.

Declaración Jurada de arma de fuego de la parte demandada

La parte demandada debe completar un formulario titulado Declaración Jurada de Armas de Fuego que describa todas las armas de fuego y municiones en su poder, y enviar el formulario por correo electrónico al asistente judicial del juez a _____@jud11.flcourts.org. Incluya su número de caso en la línea de asunto de su correo electrónico. El enlace del formulario de Declaración Jurada de Arma de Fuego se encuentra en este documento.

Acceso a ZOOM

Si no está familiarizado con la plataforma ZOOM, vaya a este sitio web: Zoom.us para obtener información sobre cómo acceder al uso de la plataforma. Es GRATIS. Le pedimos que nos ayude aprendiendo cómo utilizar ZOOM y rogamos que tengan paciencia mientras aprendemos juntos con ustedes.

Asegúrese poder acceder su audiencia en ZOOM con un tiempo prudente antes de la hora y fecha de su audiencia. Si tiene algún problema, esta preparación le dará la oportunidad de abordar problemas antes de la audiencia y evitar retrasos innecesarios de su audiencia.

Por favor siga todas las instrucciones en su Aviso de Audiencia. Estamos comprometidos con la entrega continua de justicia en nuestra comunidad ante esta pandemia. Muchas Gracias.

Eleventh Judicial Circuit Domestic Violence Division
CORONAVIRUS COVID-19 ACCESS TO THE COURTROOM PROCEDURES
Effective March 30, 2020

THE FOLLOWING IS APPLICABLE TO ALL SELF-REPRESENTED PARTIES AND ATTORNEYS

Judge X is opening his/her Virtual Courtroom, which you may access via the ZOOM* video conferencing platform.

*ZOOM is a free video conferencing platform where all participants in a hearing, including the Judge, parties, and attorneys, are able to connect and communicate in real time utilizing audio and video on their individual devices, from their separate locations. Internet connectivity is required for ZOOM to function on your device.

ZOOM works on any device that has a camera, speaker, microphone, *and* internet connectivity, such as a smart phone, desktop computer, laptop computer, and/or tablet.

Final Injunction Hearings

You will receive a Notice of Hearing either by personal service or in the mail.

- PLEASE FOLLOW THE SPECIFIC INSTRUCTIONS ON YOUR NOTICE OF HEARING, WHICH DESCRIBE HOW TO ACCESS YOUR ZOOM HEARING VIDEO CONFERENCE.
- YOU ARE REQUIRED TO ATTEND YOUR HEARING REMOTELY USING THE ZOOM VIDEO CONFERENCING APPLICATION. ZOOM does have a telephone call in feature, as well, for those who are not able to access the video conference capability.
- DO NOT APPEAR IN PERSON AT THE COURTHOUSE: At this time, due to the COVID-19 pandemic, you are NOT permitted to appear in person in court.
- EMAIL: If we have your current email address, you will also be contacted via email with the information you need to participate in a hearing on the ZOOM platform. This same information will also be included on your notice of hearing. Please contact the Judicial Assistant at xxxx@jud11.flcourts.org, to provide us with your email address. Please include your case number in the subject line of the email.
- ACCESS: If a party does not have access to a computer or smart device, please contact Judge's chambers or the assigned case manager, at least two business days prior to your hearing date.
- PHONE ACCESS - If you do not have video conferencing capabilities, you may call in to the zoom conference telephone number provided on your Notice of Hearing in order to access the hearing. However, as described

above under "ACCESS," please call Judge's chambers two days in advance in order to notify us that you do not have ZOOM video access.

- EVIDENCE and WITNESSES: The Court will consider evidence and witnesses, if any, during these virtual hearings. Please see below for additional information.

Pre-trial Motions

Any pre-trial motions may be filed with the Domestic Violence Clerk of Courts, via email at dvmotions@jud11.flcourts.org, or via fax to (305)349-5559, prior to the hearing date. Please include your case number in the subject line of this email. The link to a blank Motion Form is on this page.

Evidence

You should send any evidence you intend to present during the hearing to the judicial assistant via email to xxxxx@jud11.flcourts.org, at least two business days prior to your hearing date. The judicial assistant will forward this evidence to the opposing party, if necessary. Please include your case number in the subject line of this email.

Witnesses

If either party has an essential witness that has direct personal knowledge of the allegations in the petition, the court will make a determination regarding the necessity of the witness' testimony and may continue the case if the witness is not available.

Children are NOT permitted to testify UNLESS a motion is filed pursuant to Fla.Fam.L.R.P.12.407, and an order allowing the testimony is granted prior to the hearing.

Temporary Support

In cases where temporary support issues have been alleged in the pleadings, both parties must fill out a Short Form Financial Affidavit and email the form to the judicial assistant at xxxxx@jud11.flcourts.org. Please include your case number in the subject line of this email. The link to the Short Form Financial Affidavit is on this page.

Visitation

Any father seeking an order for temporary visitation, who has not had paternity legally established or who was not married to the child's mother at the time of the child's birth, must fill out an Acknowledgment of Paternity form and email the form to the judicial assistant at xxxxx@jud11.flcourts.org. Please include your case number in the subject line of this email. The link to the Acknowledgement of Paternity form is on this page.

Respondent Firearm Affidavit

Respondents must fill out a Firearm Affidavit form describing any and all firearms and ammunition in their possession, and email the form to the judicial assistant at xxxxx@jud11.flcourts.org. Please include your case number in the subject line of this email. The link to the Firearm Affidavit form is on this page.

ZOOM Access

If you are unfamiliar with the ZOOM platform, please go to this website: [Zoom.us](https://zoom.us) to learn how to access the platform for use. It is FREE. We ask you to assist us by learning how to utilize ZOOM and we kindly request your patience as we learn along with you.

Please ensure that you are able to access ZOOM for your hearing, well in advance of your hearing date and time. If you are having any issues, this preparation will give you an opportunity to address the issue prior to the hearing and avoid unnecessary delays of your hearing.

Please follow all instructions on your Notice of Hearing. We are committed to the continued delivery of justice in the face of this pandemic. Thank you.

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY FLORIDA**

**DOMESTIC VIOLENCE DIVISION
ADMINISTRATIVE MEMORANDUM**

No. _____

**IN RE: INTRODUCTION OF EVIDENCE IN
HEARINGS CONDUCTED REMOTELY
DURING THE COVID-19 PANDEMIC IN THE
FAMILY DIVISION**

_____ /

WHEREAS, the Florida Supreme Court Chief Justice's Administrative Order AOSC20-17, directs chief judges to take all possible steps to facilitate conducting proceedings with the use of technology, and judges who can conduct court business from a remote location are strongly encouraged to do so; and

WHEREAS, court staff and court partners have worked tirelessly to resume all hearings electronically utilizing the Zoom platform in the Domestic Violence Division of the 11th Judicial Circuit; and

WHEREAS, it is necessary that parties have clear guidance as to how evidence is presented to the court, the clerk, and the parties;

WHEREAS, this procedure applies only to the use of documentary evidence. Documentary evidence includes any papers, emails, photographs, or other items reasonably able to be shared electronically;

NOW THEREFORE, pursuant to the authority vested in me by the Chief Judge as Administrative Judge of the Domestic Violence Division of the Eleventh Judicial Circuit of Florida and Rule 2.215, Florida Rules of Judicial Administration, this memorandum shall set forth procedures for use of documentary evidence through remote means in Domestic Violence Division criminal and civil evidentiary hearings (including non-jury trials and excluding jury trials):

Civil DV Injunction Hearings:

1. In order to assist with presenting documentary evidence remotely the parties may contact the court's judicial assistant a minimum of (2) two business days prior to the scheduled hearing date. The judicial assistant will facilitate the sending of evidence electronically by litigants to a unique email address assigned to each domestic violence division. The judicial assistant will forward this evidence to the opposing party. Unless otherwise agreed to by the parties in writing, the presiding judge will not review any evidence sent electronically until the hearing.

2. During the recorded hearing, all admitted evidence will be identified and marked by the judge utilizing a number and/or lettering format. Subsequent to the hearing, all admitted evidence will be forwarded to the clerk's office for filing.

DV Criminal Hearings (excluding jury trials):

1. Counsel shall provide an electronic copy or image of any item of evidence it will seek to be introduced into evidence to the Court and opposing counsel at least 48 hours before the hearing; and

2. Counsel must electronically file any item of evidence it will seek to be introduced into evidence through the e-filing portal at least 48 hours before the hearing; and

3. In addition to providing the items the party will seek to introduce into evidence, Counsel must provide an exhibit list describing each item, along with columns that can help all parties identify whether a particular item was admitted into evidence or not; and

4. For parties not represented by Counsel:

a. Self-represented parties are strongly encouraged to contact the judicial assistant assigned to the presiding judge on his/her case as soon as possible. All contact information can be found at <https://www.jud11.flcourts.org/About-the-Court/Judges/Judicial-Directory>.

b. Self-represented parties shall provide an electronic copy by email to the judicial assistant of any physical evidence they will seek to introduce into evidence (including documents or photo images) at least two (2) business days before the hearing. Self-represented parties should contact the judicial assistant by telephone for all required instructions prior to sending.

5. The Court may require that non-documentary evidence be submitted physically to the Clerk's office for preservation of the record. In appropriate circumstances, the Court may requirement an image of the physical item be filed with Clerk in lieu of the original item; and

6. Nothing in this order otherwise changes the Court's discretion to admit or deny entry or use of such evidence, or fashion whatever relief is appropriate under the circumstances, based on surprise (or lack of surprise), failure to provide evidence in advance, impossibility of review of such evidence through remote means, or similar circumstances; and

7. In settings where the Court must review documents or items, but such item is not being admitted as evidence to prove or disprove a claim or issue, e.g., taking notice of a witness's driver license to verify identity, the party need not provide the document in advance and the Court may use an abbreviated procedure such as requiring the witness to present the document to the camera for the Court's review.

General:

1. Nothing in this Administrative Memo limits a Judge's ability to designate supplemental procedures in individual cases.

2. If the parties comply in good faith with this procedure but technological issues prevent a meaningful review of the evidence through remote means, the Court may reset the matter.

3. All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, that can be read to limit or prohibit the introduction, authentication or admission of evidence through the use of audio-video communications equipment, are hereby suspended, and will remain suspended until the expiration of the provisions of paragraph five in In Re: COVID-19 Emergency Procedures in the Florida State Courts, Fla. Admin. Order No. AOSC20-13 (March 13, 2020), and any orders extending AOSC20-13.

4. This Administrative Memorandum shall take effect immediately and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this ___ day of April 2020.

Carroll Kelly
ADMINISTRATIVE JUDGE
Domestic Violence Division

DV Division Zoom Meeting Notes April 9, 2020

- Settings on Zoom. DJ and Zach reviewed all recommended and necessary settings and sent us an email including screen shots of all settings discussed.
- Krystal has opened our Zoom Calendar slots M – F at 9:30a, 10:30a, 1:30p, 2:30p
- Once the slot is filled, JA should send an email including Zoom meeting ID to Krystal, Adria, Judge Kelly, and the Clerk’s office, letting them know that slot has been filled.
- Use a different meeting ID and password for each case/hearing.
- Someone from Absolute video will attend the hearing and record on FTR.
- Though the court reporters will attend the hearings and create a record, it is recommended that we record our hearings via Zoom in case the court reporter has any issues.
- Our JA/ Bailiff should copy Absolute Video on the invite to the zoom hearing.
- DV Final Orders are being transitioned to Court MAP.
- The Order will be sent to Judge via CourtMAP and once signed it will automatically be sent to the clerk.
- Ask litigants to sign up for e-service portal. This will ensure that the P and R receive the final order via e-service.
- Sheriff will serve the R with the extended temp or final injunction.
- At intake, each petitioner will receive (the document Adria circulated this week) a document that includes Judge’s office number, zoom info, note to sign up for e-portal.
- The case managers may be calling our office to obtain a zoom meeting ID in order to set these new cases that come in, for hearing.
- At this point everyone may be figuring out how to best set hearings on their own. However, we did draft step by step instructions regarding how to get these hearings set and get all the correct people notified. We will provide a copy once it is approved.
- We should be receiving our Orders from the case managers within an hour or two after the hearing.

DV Judges Mock Trial Zoom Meeting Notes April 2, 2020

- Deactivate chat so P & R cannot speak to each other. Program your settings so that only the host or co-host may chat with the participants but the participants may not chat with each other.
- Come up with a script for the beginning of each hearing specifically addressing the video conference. Include quick tips, advise they may call your JA if necessary, thank them for their patience, ask them to mute themselves when they are not speaking, they may raise their hand and wave at the camera if they have something to say.
- Set up a custom message for your waiting room. DJ drafted this last week and sent it out. You may want to make the first line that says “Welcome to Judge

_____'s Virtual Courtroom," replace the first line of bold lettering in the waiting room page.

- Add the waiting room language in Spanish as well. We will work on this and send out a draft for everyone to use. We need to figure out how many words fit on the page.
- You can create breakout rooms prior to the meeting either in settings or any time prior to the start time of the meeting. You can create permanent breakout rooms in your settings and label them Petitioner's breakout room and Respondent's breakout room. If you are accessing zoom with the app, you are not able to create breakout rooms with the app functions even if you are the host.
- Chat messages the host sends to the breakout rooms will be seen by all participants on the call. The feature is called "Broadcast a message."
- Disable the share screen option for everyone except the host and co-host.
- (At tomorrow's meeting DJ and Zach will provide a comprehensive update regarding what each setting feature should be set to.)

DV Judges Mock Trial Zoom Meeting Notes March 31, 2020

- Require a meeting password.
- The host can move participants back to the waiting room during a hearing.
- Once a participant is in a waiting room, that participant cannot see or hear the video hearing until the host or a co-host lets them back in to the meeting.
- The host should let in one participant at a time and identify that person and re-name the person on zoom, if necessary, in order to not reveal any confidential information such as phone number or the name of the person who's zoom account they are using, to the other party.
- We will be able to send litigants copies of Orders via Courtmap.
- If a permanent injunction is granted, a law enforcement officer will serve that Respondent sometime after the hearing, the way people are usually served with temps.
- JA/ Bailiff can call witnesses on a separate phone during the video hearing, in order to get the witness to join the zoom hearing at the appropriate time.
- We may want to proffer what the litigant's witness is going to say prior to allowing the witness on the call in order to identify whether the testimony is necessary.
- A case manager may be able to appear via telephone, only. This will only work if we can join a telephone call and video call in a breakout room, together. The better practice may be to have the case manager call in with video but turn off their video if they don't want to be seen.
- If a litigant is going to call in with a telephone instead of joining the video meeting, our JA or Bailiff should be familiar with the phone number and know who the call is coming from. (When someone calls in, only the phone number will appear. The host should rename this person with the person's name, in order to replace the phone number that

appears, in order to protect the caller's privacy.) We should test whether there is the capability to place a telephone caller participant, in a waiting room.

- Record the hearing on zoom with the record feature. It should record to iCloud or the device and that recording will be sent to Absolute Video.

Reminder for Judge:

1. Tell Court reporter when “we are on the record.”
2. Record the hearing via ZOOM.
- 3. SWEAR IN THE PARTIES!!!!**

Preliminary issues to address during DV Zoom Hearing

- **Thank you** for your patience and cooperation and for participating in today’s hearing.
- Though these are different circumstances, this is our courtroom, and like regular court, rules do apply. Specifically:
 - o **Per AO 20-07** no one is to record these proceedings unless you have prior approval of the presiding Judge.
 - o I have not provided prior approval to record this hearing, therefore if you have a device currently recording, please stop recording now.
 - o We do have a court reporter on the line who is creating a record of this hearing and the Court is also recording the hearing via Zoom.
- Advise the litigants who the participants in the zoom hearing are.
- Request that participants go to a private quiet area, if possible. May want to utilize headphones in order to minimize distractions.
- There are to be **no interruptions** of the Court or each other. Especially important here on video because only one person can be heard speaking at a time. When we interrupt, the audio cuts out and we will have to repeat ourselves.
- Background noise also cuts into the audio, therefore, if you are not speaking, please be sure that you are on **mute**.
- May **wave at the screen** to get Judge’s attention.
- Please un-mute yourself in order to speak. If you are muted you will see a red microphone with a line through it.
- If you get disconnected, first please try to reconnect, if you have trouble reconnecting, please call my office at 305-349-5700.
- Ask each party if they have witnesses or evidence.
- The hearing will proceed as follows... (describe procedure)
- As described, **each of you will have an opportunity** to speak so please do not interrupt.
- There are to be **no emotional outbursts** including inappropriate facial expressions.
- Please **do not speak to each other** while we are in the hearing.
- **SWEAR IN THE PARTIES**

Procedural Safeguards the Court Observed During the Hearing

- At the start of the hearing, before and after the presentation of each witness, and before the conclusion of the hearing, the court inquired of the parties whether they were able to see and hear the proceedings. All parties confirmed they were able to see and hear the entire proceeding.
- Throughout the hearing, the court was able to see and hear all parties.
- Before each witness testified, the court was able to positively identify the witness to administer the oath.
- During the presentation of witness testimony, the court was fully able to see and hear each witness and was able to observe the witness's demeanor. The court also confirmed that the witness was not relying upon notes or documents located outside of the camera's view.
- During the presentation of witness testimony, all parties were able to contemporaneously raise objections. Any objections raised were immediately ruled on before proceeding.
- All parties were afforded the opportunity to cross-examine witnesses before the witness was excused.
- The rule of sequestration was invoked. The court monitored the participants in the hearing to ensure that a witness did not improperly observe another witness's testimony. The court also impressed upon all witness's the risk of contempt of court for failing to follow the rule of sequestration.
- The court confirmed that all parties had access to the exhibits admitted into the evidence. Any objections to the admission of exhibits were fully heard prior to admission.
- All parties were provided the opportunity to privately confer with their clients. This was accomplished by _____
- No parties lost connectivity during the hearing. OR (Party X) lost connectivity during the presentation of (witness). The proceeding was immediately recessed and was not recommenced until (Party X) rejoined the proceeding.
- Nothing occurred during the hearing that would have caused the court to halt the hearing or render the hearing unreliable.
- The hearing was recorded in full.

Thank you.

Recommended Zoom Settings for Judges

Under Meeting:

Schedule Meeting

Host video

Start meetings with host video on



Participants video

Start meetings with participant video on. Participants can change this during the meeting.



Audio Type

Determine how participants can join the audio portion of the meeting. When joining audio, you can let them choose to use their computer microphone/speaker or use a telephone. You can also limit them to just one of those audio types. If you have 3rd party audio enabled, you can require that all participants follow the instructions you provide for using non-Zoom audio.

Telephone and Computer Audio

Telephone

Computer Audio

Join before host

Allow participants to join the meeting before the host arrives



Use Personal Meeting ID (PMI) when scheduling a meeting

You can visit [Personal Meeting Room](#) to change your Personal Meeting settings.



Use Personal Meeting ID (PMI) when starting an instant meeting



Only authenticated users can join meetings

The participants need to authenticate prior to joining the meetings, hosts can choose one of the authentication methods when scheduling a meeting.



Meeting Authentication Options:

Sign in to Zoom (Default) [Edit](#) Hide in the Selection

Only authenticated users can join meetings from Web client

The participants need to authenticate prior to joining meetings from web client



Require a password when scheduling new meetings

A password will be generated when scheduling a meeting and participants require the password to join the meeting. The Personal Meeting ID (PMI) meetings are not included.



Require a password for instant meetings

A random password will be generated when starting an instant meeting



Require a password for Personal Meeting ID (PMI)

Only meetings with Join Before Host enabled

All meetings using PMI



Embed password in meeting link for one-click join

Meeting password will be encrypted and included in the join meeting link to allow participants to join with just one click without having to enter the password.



Require password for participants joining by phone

A numeric password will be required for participants joining by phone if your meeting has a password. For meeting with an alphanumeric password, a numeric version will be generated.



Mute participants upon entry

Automatically mute all participants when they join the meeting. The host controls whether participants can unmute themselves. [\[?\]](#)



Upcoming meeting reminder

Receive desktop notification for upcoming meetings. Reminder time can be configured in the Zoom Desktop Client. [\[?\]](#)



In Meeting (Basic)

Require Encryption for 3rd Party Endpoints (H323/SIP)

Zoom requires encryption for all data between the Zoom cloud, Zoom client, and Zoom Room. Require encryption for 3rd party endpoints (H323/SIP).



Chat

Allow meeting participants to send a message visible to all participants



Prevent participants from saving chat

You have enabled "Save chat messages from the meeting / webinar" in cloud recording. You can go to [Recording Settings](#) to turn it off and not share the chat along with the recording.

Private chat

Allow meeting participants to send a private 1:1 message to another participant.



Auto saving chats

Automatically save all in-meeting chats so that hosts do not need to manually save the text of the chat after the meeting starts.



Play sound when participants join or leave

Play sound when participants join or leave



Heard by host and all attendees

Heard by host only

When each participant joins by telephone

Record and play their own voice

File transfer

Hosts and participants can send files through the in-meeting chat.



Only allow specified file types

Feedback to Zoom

Add a Feedback tab to the Windows Settings or Mac Preferences dialog, and also enable users to provide feedback to Zoom at the end of the meeting



Display end-of-meeting experience feedback survey

Display a thumbs up/down survey at the end of each meeting. If participants respond with thumbs down, they can provide additional information about what went wrong. [\[v\]](#)



Co-host

Allow the host to add co-hosts. Co-hosts have the same in-meeting controls as the host.



Polling

Add 'Polls' to the meeting controls. This allows the host to survey the attendees. [\[v\]](#)



Always show meeting control toolbar

Always show meeting controls during a meeting [\[v\]](#)



Show Zoom windows during screen share [\[v\]](#)



Screen sharing

Allow host and participants to share their screen or content during meetings



Who can share?

Host Only All Participants [?](#)

Who can start sharing when someone else is sharing?

Host Only All Participants [?](#)

Disable desktop/screen share for users

Disable desktop or screen share in a meeting and only allow sharing of selected applications. [\[v\]](#)



Annotation

Allow participants to use annotation tools to add information to shared screens 



Whiteboard

Allow participants to share whiteboard during a meeting 



Remote control

During screen sharing, the person who is sharing can allow others to control the shared content




Nonverbal feedback

Participants in a meeting can provide nonverbal feedback and express opinions by clicking on icons in the Participants panel. 



Join different meetings simultaneously on desktop

Allow user to join different meetings at the same time on one desktop device 



Allow removed participants to rejoin

Allows previously removed meeting participants and webinar panelists to rejoin 



Allow participants to rename themselves

Allow meeting participants and webinar panelists to rename themselves. 




In Meeting (Advanced)

Breakout room

Allow host to split meeting participants into separate, smaller rooms



Allow host to assign participants to breakout rooms when scheduling 

Remote support

Allow meeting host to provide 1:1 remote support to another participant



Closed captioning

Allow host to type closed captions or assign a participant/third party device to add closed captions



Save Captions

Allow participants to save fully closed captions or transcripts



Language Interpretation

Allow host to assign participants as interpreters who can interpret one language into another in real-time. Host can assign interpreters when scheduling or during the meeting.



Far end camera control

Allow another user to take control of your camera during a meeting



Group HD video

Activate higher quality video for host and participants. (This will use more bandwidth.)



Virtual background

Allow users to replace their background with any selected image. Choose or upload an image in the Zoom Desktop application settings.



Identify guest participants in the meeting/webinar

Participants who belong to your account can see that a guest (someone who does not belong to your account) is participating in the meeting/webinar. The Participants list indicates which attendees are guests. The guests themselves do not see that they are listed as guests. [?](#)



Auto-answer group in chat

Enable users to see and add contacts to 'auto-answer group' in the contact list on chat. Any call from members of this group will be automatically answered.



Only show default email when sending email invites

Allow users to invite participants by email only by using the default email program selected on their computer



Use HTML format email for Outlook plugin

Use HTML formatting instead of plain text for meeting invitations scheduled with the Outlook plugin



Allow users to select stereo audio in their client settings

Allow users to select stereo audio during a meeting



Allow users to select original sound in their client settings

Allow users to select original sound during a meeting [?](#)



Waiting room

Attendees cannot join a meeting until a host admits them individually from the waiting room. If Waiting room is enabled, the option for attendees to join the meeting before the host arrives is automatically disabled. [?](#)



Choose which participants to place in the waiting room:

- All participants
- Guest participants only [?](#)

Customize the title, logo, and description

Show a "Join from your browser" link

Allow participants to bypass the Zoom application download process, and join a meeting directly from their browser. This is a workaround for participants who are unable to download, install, or run applications. Note that the meeting experience from the browser is limited



Allow live streaming meetings



Email Notification

When a cloud recording is available



Notify host when cloud recording is available

Send a copy to the person who scheduled the meeting/webinar for the host

When attendees join meeting before host



Notify host when participants join the meeting before them

When a meeting is cancelled



Notify host and participants when the meeting is cancelled

When an alternative host is set or removed from a meeting



Notify the alternative host who is set or removed

When someone scheduled a meeting for a host



Notify the host there is a meeting is scheduled, rescheduled, or cancelled

When the cloud recording is going to be permanently deleted from trash



Notify the host 7 days before the cloud recording is permanently deleted from trash

Other

Blur snapshot on iOS task switcher



Enable this option to hide potentially sensitive information from the snapshot of the Zoom main window. This snapshot display as the preview screen in the iOS tasks switcher when multiple apps are open.

Direct call a room system



Enable direct call to a room system from client

Invitation Email

Your meeting attendees will receive emails in language based upon their browser/profile settings. Choose languages which your expected attendees will receive content in to edit.

Choose email in language to edit

English



[Send me a preview email](#)

Schedule Privilege

You can assign users in your account to schedule meetings on your behalf. You can also schedule meetings on behalf of someone that has assigned you scheduling privilege. You and the assigned scheduler must be on a Paid plan within the same account.

Assign scheduling privilege to +

yvazquez@jud11.flcourts.org ×

I can schedule for

yvazquez@jud11.flcourts.org ×

Under Recording:

Recording

Local recording

Allow hosts and participants to record the meeting to a local file



Cloud recording

Allow hosts to record and save the meeting / webinar in the cloud



- Record active speaker with shared screen
- Record gallery view with shared screen [?](#)
- Record active speaker, gallery view and shared screen separately
- Record an audio only file
- Save chat messages from the meeting / webinar

Advanced cloud recording settings

- Add a timestamp to the recording [?](#)
- Display participants' names in the recording
- Record thumbnails when sharing [?](#)
- Optimize the recording for 3rd party video editor [?](#)
- Audio transcript [?](#)
- Save panelist chat to the recording [?](#)

Automatic recording

Record meetings automatically as they start



IP Address Access Control

Allow cloud recording access only from specific IP address ranges



Only authenticated users can view cloud recordings

The viewers need to authenticate prior to viewing the cloud recordings, hosts can choose one of the authentication methods when sharing a cloud recording.



Require password to access shared cloud recordings

Password protection will be enforced for shared cloud recordings. A random password will be generated which can be modified by the users. This setting is applicable for newly generated recordings only.



Auto delete cloud recordings after days

Allow Zoom to automatically delete recordings after a specified number of days



The host can delete cloud recordings

Allow the host to delete the recordings. If this option is disabled, the recordings cannot be deleted by the host and only admin can delete them.



Recording disclaimer

Show a customizable disclaimer to participants before a recording starts 



Multiple audio notifications of recorded meeting

Play notification messages to participants who join the meeting audio. These messages play each time the recording starts or restarts, informing participants that the meeting is being recorded. If participants join the audio from telephone, even if this option is disabled, users will hear one notification message per meeting.



Under Telephone:

Show international numbers link on the invitation email

Show the link for Zoom International Dial-in Numbers on email invitations



Toll Call

Include the selected numbers in the Zoom client and the email invitation via the international numbers link. Participants can dial into meeting with the numbers



Only IT admin can make changes for this setting



United States of America +1 213 338 8477
United States of America +1 253 215 8782
United States of America +1 267 831 0333
United States of America +1 301 715 8592
United States of America +1 312 626 6799
United States of America +1 346 248 7799
United States of America +1 470 250 9358
United States of America +1 470 381 2552
United States of America +1 602 753 0140
United States of America +1 646 518 9805

[See all numbers](#)

3rd Party Audio

Users can join the meeting using the existing 3rd party audio configuration



Mask phone number in the participant list

Phone numbers of users dialing into a meeting will be masked in the participant list. For example: 888****666



Global Dial-in Countries/Regions

Click the Edit icon to choose countries/regions that frequently have participants who need to dial into meetings. The dial-in phone numbers of these locations appear in the email invitation, and can be used by participants dialing in from those locations.

United States of America 

SECTOR DE VIOLENCIA DOMÉSTICA INSTRUCCIONES DE AUDIENCIA VIRTUAL PARA AUDIENCIAS DE INTERDICTOS CIVILES

POR FAVOR LEA DETENIDAMENTE LO SIGUIENTE.

***POR FAVOR LLAME AL ASISTENTE JUDICIAL DE SU JUEZ
PARA OBTENER LA INFORMACIÓN DE SU AUDIENCIA POR ZOOM
(NÚMEROS Y CORREOS ELECTRÓNICOS ESTAN UBICADOS EN LA PARTE
POSTERIOR DE ESTAS INSTRUCCIONES)***

**EN RESPUESTA A LA PANDEMIA DE CORONAVIRUS, Y PARA AYUDARLE A ACCEDER
AL SISTEMA JUDICIAL, SIGA LAS SIGUIENTES INSTRUCCIONES.**

- 1) La audiencia será ante el Juez que aparece en su aviso de audiencia y se llevará a cabo **REMOTAMENTE utilizando la aplicación de videoconferencia Zoom. Debe asistir de forma remota mediante la aplicación de videoconferencia Zoom.** Si no puede entrar por videoconferencia, puede llamar al número de teléfono de la conferencia ZOOM que le proporcionará la asistente judicial.
- 2) **Si usted no tiene la capacidad de unirse a la conferencia Zoom con el video, se le pide, de todos modos, llamar usando su teléfono. En ese momento, el juez determinará los siguientes pasos.**
- 3) **No se le permite comparecer en persona, en la Corte, debido a la pandemia COVID-19. Si usted se presenta en la corte en persona, no se le permitirá el acceso a la sala del tribunal.**
- 4) Regístrese en E-Portal. Para recibir una copia de cualquier orden judicial asentada por el tribunal en este asunto, debe inscribirse al siguiente portal electrónico: <https://www.myflcourtaccess.com/default.aspx>
- 5) **Con el fin de hacer su experiencia más fácil, ANTES** de ponerse en contacto con el asistente judicial por teléfono, puede crear una cuenta gratuita y descargar la aplicación ZOOM (www.zoom.us) en su teléfono móvil y / o su computadora. La cuenta de ZOOM es gratuita. Esto no es un requisito, pero mejorará su experiencia de video. **Se requiere** la cámara del móvil o la cámara de su computadora para participar en la audiencia. También necesitará conectividad al internet para participar en la audiencia.
- 6) Cuando hable con el asistente judicial para obtener la información de su audiencia por ZOOM también le ayudarán a presentar evidencia física (fotografías, correos electrónicos, etc.). Puede enviar a la asistente judicial por correo electrónico cualquier prueba que tenga la intención de presentar en la corte. Incluya su número de caso en la línea de asunto de su correo electrónico. El asistente judicial enviará estas pruebas a la parte contraria, si es necesario. Si alguna de las partes tiene un testigo esencial que tiene **conocimiento personal directo de las acusaciones en la petición**, el tribunal tomará una determinación con respecto a la necesidad del testimonio del testigo y puede continuar el caso si el testigo no está disponible
- 7) Cualquier moción previa al juicio debe presentarse ante el Secretario Judicial de Violencia Doméstica por correo electrónico por esta vía dvmotions@jud11.flcourts.org, o vía fax al (305)349-5559.

Juez: Courthouse Center	Teléfono	Correo electrónico
Carroll Kelly	(305) 349-5703	erosenstein@jud11.flcourts.org
Donald "DJ" Cannava	(305) 349-5756	EFGonzalez@jud11.flcourts.org
Eleane Sosa-Bruzon	(305) 349-5702	dsaumell@jud11.flcourts.org
Diana Vizcaino	(305) 349-5701	igarrison@jud11.flcourts.org
Zachary James	(305) 349-5750	yvazquez@jud11.flcourts.org
Elisabeth Espinosa	(305) 349-5700	maortega@jud11.flcourts.org
Christine Bandin	(305) 349-5674	ersantana@jud11.flcourts.org
Juez: Tribunales Sucursales		
Milena Abreu (HIA)	(305) 520-4045	HViera-Sanchez@jud11.flcourts.org
Victoria Ferrer (HIA)	(305) 520-4042	chernandez@jud11.flcourts.org
Gordon Murray (CI)	(305) 636-2260	rchavez.temp@jud11.flcourts.org
Ayana Harris (ND)	(305) 354-2939	jhutson@jud11.flcourts.org
Raul Cuervo (ND)	(305) 354-8771	fmaxi@jud11.flcourts.org
Luisse Krieger-Martin (SD)	(305) 252-5858	apracitto@jud11.flcourts.org
Michaelle Gonzalez-Paulson (SD)	(305) 252-5828	cgonzalez@jud11.flcourts.org

Para más información por favor visite el sitio web de los Jueces ubicados a través de www.jud11.flcourts.org

Para asistencia también puede comunicarse con la Unidad de Administración de Casos del Sector de Violencia Doméstica [Domestic Violence Case Management Unit] llamando al (305)349-5556

**DOMESTIC VIOLENCE DIVISION
VIRTUAL HEARING INSTRUCTIONS
FOR CIVIL INJUNCTION HEARINGS**

PLEASE READ THE FOLLOWING CAREFULLY.

***PLEASE CALL YOUR JUDGE'S JUDICIAL ASSISTANT
TO OBTAIN YOUR ZOOM HEARING INFORMATION
(NUMBERS AND EMAILS LISTED ON THE BACK OF THESE INSTRUCTIONS)***

**IN RESPONSE TO THE CORONAVIRUS PANDEMIC, AND TO HELP YOU ACCESS THE
COURT SYSTEM, PLEASE FOLLOW THESE INSTRUCTIONS.**

- 1) The hearing will be before the Judge listed on your notice of hearing and will be held **REMOTELY using the video conferencing application Zoom. You are required to attend remotely using the Zoom video conferencing application.** If you are not able to video conference, you may call in to the ZOOM conference telephone number the judicial assistant will provide to you.
- 2) **If you do not have the ability to join the Zoom conference with video, you are still required to call in using your telephone. At that time, the judge will determine the next steps.**
- 3) **You are not permitted to appear in person, in Court, due to the COVID-19 pandemic. If you appear in court in person, you will not be allowed access to the courtroom.**
- 4) Please sign up for the e-portal. In order to receive a copy of any order entered by the court in this matter, you must also sign up for the e-portal at <https://www.myflcourtaccess.com/default.aspx>
- 5) **In order to make your experience easier, BEFORE** contacting the judicial assistant by phone, you may create a free account and download the ZOOM application (www.zoom.us) onto your cell phone and/or computer. A ZOOM account is free. This is not a requirement but will improve your video experience. Your cellphone camera or the camera on your computer is **required** to participate in the hearing. You will also need internet connectivity to participate in the hearing.
- 6) When you speak to the judicial assistant to obtain your ZOOM hearing information, they will also assist you with presenting physical evidence (photographs, emails, etc.). You may send any evidence you intend to present in court to the judicial assistant via email. Please include your case number on the subject line of this email. The judicial assistant will forward this evidence to the opposing party, if necessary. If either party has an essential witness that has **direct personal knowledge of the allegations in the petition**, the court will make a determination regarding the necessity of the witness' testimony and may continue the case if the witness is not available.
- 7) Any pretrial motions must be filed with the Domestic Violence clerk of courts, via email at dvmotions@jud11.flcourts.org, or via fax at (305)349-5559.

Judge: <u>Courthouse Center</u>	phone	email
Carroll Kelly	(305) 349-5703	erosenst@jud11.flcourts.org
Donald "DJ" Cannava	(305) 349-5756	EFGonzalez@jud11.flcourts.org
Eleane Sosa-Bruzon	(305) 349-5702	dsaumell@jud11.flcourts.org
Diana Vizcaino	(305) 349-5701	jgarrison@jud11.flcourts.org
Zachary James	(305) 349-5750	yvazquez@jud11.flcourts.org
Elisabeth Espinosa	(305) 349-5700	maortega@jud11.flcourts.org
Christine Bandin	(305) 349-5674	ersantana@jud11.flcourts.org
Judge: <u>Branch Courts</u>		
Milena Abreu (HIA)	(305) 520-4045	HViera-Sanchez@jud11.flcourts.org
Victoria Ferrer (HIA)	(305) 520-4042	chernandez@jud11.flcourts.org
Gordon Murray (CI)	(305) 636-2260	rchavez.temp@jud11.flcourts.org
Ayana Harris (ND)	(305) 354-2939	jhutson@jud11.flcourts.org
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Luisse Krieger-Martin (SD)	(305) 252-5858	apracitto@jud11.flcourts.org
Michaelle Gonzalez-Paulson (SD)	(305) 252-5828	cgonzalez@jud11.flcourts.org

**Please visit the Judge's website which may be located via
www.jud11.flcourts.org
for additional information.**

**You can also contact the
Domestic Violence Case Management Unit
@ (305)349-5556 for assistance**

NOTICE OF HEARING

PLEASE READ THE FOLLOWING CAREFULLY.

IF YOU HAVE ANY QUESTIONS OR CONFUSION ABOUT THE INSTRUCTIONS BELOW PLEASE CALL THE JUDICIAL ASSISTANT AT (305)349-_____.

IN RESPONSE TO THE CORONAVIRUS PANDEMIC, AND TO HELP YOU ACCESS THE COURT SYSTEM, PLEASE FOLLOW THESE INSTRUCTIONS.

Please visit the Judge's website which may be located via www.jud11.flcourts.org for additional information.

- 1) Because this Order has been issued without prior notice to Respondent, Petitioner and Respondent are instructed that they are scheduled to appear remotely and testify at a **fifteen minute** hearing regarding this matter on

_____ at _____

- 2) The hearing will be before the Honorable _____ and will be held **REMOTELY utilizing the video conferencing application Zoom. You are required to attend remotely using the Zoom video conferencing application.** Your ZOOM meeting link is: _____; your Access Code is: _____. The ZOOM hearing telephone number is _____. If you do not have video conferencing capabilities, you may call in to the ZOOM conference telephone number. *IF you do not have video access and must call in via telephone, please call the Judicial Assistant two days in advance in order to notify us that you do not have ZOOM video access.*
- 3) **If you do not have the ability to join the Zoom conference with video, you are still required to call in using your telephone. At that time, the judge will determine the next steps.**
- 4) You are not permitted to appear in person, in Court, due to the COVID-19 pandemic. If you appear in court in person, you will not be allowed access to the courtroom.
- 5) Please sign up for the e-portal. In order to receive a copy of any order entered by the court in this matter, you must also sign up for the e-portal at <https://www.myflcourtaccess.com/default.aspx>
- 6) At the date and time listed above, the Court will consider whether the Court should issue a Final Judgment of Injunction for Protection Against Domestic Violence, which would remain in effect until modified or dissolved by the Court, and whether other things should be ordered, including, for example, such matters as visitation and support.
- 7) If Petitioner and/or Respondent do not appear using the Zoom video conferencing application, this temporary injunction may be continued in force, extended, or dismissed, and/or additional orders may be granted.
- 8) **In order to make your experience easier, BEFORE** contacting the judicial assistant by phone, you may create a free account and download the ZOOM application (www.zoom.us) onto your cell phone and/or computer. A ZOOM account is free. This is not a requirement but will improve your video experience. Your cellphone camera or the camera on your computer is **required** to participate in the hearing. You will also need internet connectivity to participate in the hearing.
- 9) In order to assist you with accessing ZOOM and presenting physical evidence (photographs,

emails, etc.) you may contact the court's judicial assistant **a minimum of 2 business days prior to your scheduled hearing date or the date you were served**. Failing to do so may result in this temporary injunction being continued in force, extended, or dismissed.

- 10) **BEFORE** contacting the judicial assistant by phone, you may send any evidence you intend to present in court to the judicial assistant via email at _____ .org. Please include your case number on the subject line of this email. The judicial assistant will forward this evidence to the opposing party, if necessary. If either party has an essential witness that has **direct personal knowledge of the allegations in the petition**, the court will make a determination regarding the necessity of the witness' testimony and may continue the case if the witness is not available.
- 11) All witnesses and evidence, if any, may be presented during the virtual hearing. In cases where temporary support issues have been alleged in the pleadings, each party must email his or her financial affidavit to the judicial assistant as set forth above. Children are not permitted to testify unless a motion is filed pursuant to Fla.Fam.L.R.P.12.407, and an order allowing the testimony is granted prior to the hearing.
- 12) Any pretrial motions must be filed with the Domestic Violence clerk of courts, via email at dvmotions@jud11.flcourts.org, or via fax at (305)349-5559.

NOTICE OF HEARING

PLEASE READ THE FOLLOWING CAREFULLY.

IF YOU HAVE ANY QUESTIONS OR CONFUSION ABOUT THE INSTRUCTIONS BELOW PLEASE CALL THE JUDICIAL ASSISTANT AT (305)349-_____.

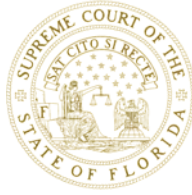
IN RESPONSE TO THE CORONAVIRUS PANDEMIC, AND TO HELP YOU ACCESS THE COURT SYSTEM, PLEASE FOLLOW THESE INSTRUCTIONS.

Please visit the Judge's website which may be located via www.jud11.flcourts.org for additional information.

- 1) Petitioner and Respondent are instructed that they are scheduled to appear remotely and testify at a **fifteen minute** hearing regarding this matter on _____ at _____
- 2) The hearing will be before the Honorable _____ and will be held **REMOTELY utilizing the video conferencing application Zoom. You are required to attend remotely using the Zoom video conferencing application.** Your ZOOM meeting link is: _____; your Access Code is: _____. The ZOOM hearing telephone number is _____. If you do not have video conferencing capabilities, you may call in to the ZOOM conference telephone number. *IF you do not have video access and must call in via telephone, please call the Judicial Assistant two days in advance in order to notify us that you do not have ZOOM video access.*
- 3) **If you do not have the ability to join the Zoom conference with video, you are still required to call in using your telephone. At that time, the judge will determine the next steps.**
- 4) **You are not permitted to appear in person, in Court, due to the COVID-19 pandemic. If you appear in court in person, you will not be allowed access to the courtroom.**
- 5) Please sign up for the e-portal. In order to receive a copy of any order entered by the court in this matter, you must also sign up for the e-portal at <https://www.myflcourtaccess.com/default.aspx>
- 6) At the date and time listed above, the Court will address the motion that was filed. If Petitioner and/or Respondent do not appear using the Zoom video conferencing application, orders may still be issued.
- 7) **In order to make your experience easier, BEFORE** contacting the judicial assistant by phone, you may create a free account and download the ZOOM application (www.zoom.us) onto your cell phone and/or computer. A ZOOM account is free. This is not a requirement but will improve your video experience. Your cellphone camera or the camera on your computer is **required** to participate in the hearing. You will also need internet connectivity to participate in the hearing.
- 8) In order to assist you with accessing ZOOM and presenting physical evidence (photographs, emails, etc.) you may contact the court's judicial assistant **a minimum of 2 business days prior to your scheduled hearing date or the date you were served.** Failing to do so may result in this temporary injunction being continued in force, extended, or dismissed.
- 9) **BEFORE** contacting the judicial assistant by phone, you may send any evidence you intend to present in court to the judicial assistant via email at _____ .org. Please

include your case number on the subject line of this email. The judicial assistant will forward this evidence to the opposing party, if necessary. If either party has an essential witness that has ***direct personal knowledge of the allegations in the petition***, the court will make a determination regarding the necessity of the witness' testimony and may continue the case if the witness is not available.

- 10) All witnesses and evidence, if any, may be presented during the virtual hearing. In cases where temporary support issues have been alleged in the pleadings, each party must email his or her financial affidavit to the judicial assistant as set forth above. Children are not permitted to testify unless a motion is filed pursuant to Fla.Fam.L.R.P.12.407, and an order allowing the testimony is granted prior to the hearing.
- 11) Any pretrial motions must be filed with the Domestic Violence clerk of courts, via email at dvmotions@jud11.flcourts.org, or via fax at (305)349-5559.



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

CHARLES T. CANADY
CHIEF JUSTICE
RICKY POLSTON
JORGE LABARGA
C. ALAN LAWSON
CARLOS G. MUÑIZ
JUSTICES

JOHN A. TOMASINO
CLERK OF COURT

SILVESTER DAWSON
MARSHAL

MEMORANDUM

TO: Chief Judges of the District Courts of Appeal
Chief Judges of the Circuit Courts

FROM: Chief Justice Charles T. Canady

A handwritten signature in cursive script that reads "Char. T. Canady".

DATE: May 11, 2020

SUBJECT: Best Practices

To assist judges in managing various challenges that may arise with proceedings during the pandemic, the Workgroup on Continuity of Court Operations and Proceedings During and After COVID-19 has developed best practices on the following topics:

- Facilitating Pro Se Litigants with Remote Appearance Technology, which sets forth best practices and logistical considerations regarding self-represented litigants who are appearing through remote technology;
- Representing Yourself and Using Remote Appearance Technology with the Courts, which contains helpful tips for self-represented litigants who are appearing through remote technology;
- Management of Evidence in Remote Hearings in Civil and Family Cases, which provides best practices and resources regarding the management of evidence during remote hearings in civil and family cases; and

Chief Judges of the District Courts of Appeal

Chief Judges of the Circuit Courts

May 11, 2020

Page 2

- Out-of-County Inmates, which provides best practices on providing due process to out-of-county arrestees during the pandemic and includes sample forms.

Please distribute the attached best practices to all judges and the appropriate court staff in your respective jurisdiction and encourage them to make appropriate use of these helpful documents.

CTC:dgh

Attachments

cc: Justices
Judge Lisa Taylor Munyon, Workgroup Chair
DCA Clerks
DCA Marshals
Trial Court Administrators



CONTINUITY OF COURT OPERATIONS
& PROCEEDINGS DURING AND AFTER

BEST PRACTICES

Facilitating Pro Se Litigants with Remote Appearance Technology

May 6, 2020

Introduction

This guide sets forth best practices and logistical considerations with respect to facilitating pro se litigants with remote appearance technology.

The court should be mindful of the following considerations:

1. Ensure the technology is sufficient to allow the court to preside over and resolve the matter effectively.
2. Leverage remote appearance solutions that present little or no cost to pro se litigants.
3. Recognize costs to the litigants of using phone minutes and/or data if free and stable Wi-Fi is not readily available to them.
4. Verify the required equipment needed for all participants, ease of use, and the ability to access the solution remotely.
5. Control access to the proceeding for participants and determine the necessary level of privacy required for the event.
6. Ideally, use the same mode of remote appearance technology for all parties participating in the court event.
7. Account for ADA requirements and web content accessibility standards.

Match each proceeding with the remote appearance medium that (1) complies with due process standards and general law, and (2) reliably achieves the purpose of the proceeding. In many instances a phone conference will satisfy the purpose of a court event, in others, a video conference may be required or preferable.

Best Practices for Judges

Planning for the Proceeding

1. Explore the full functionality of the remote appearance platform (i.e. waiting rooms) and attend regular training for the platform and other related technologies.
2. Allow for proper spacing and allotment of time for hearings, as pro se litigants may need extra time to present their case and work through any technology issues.
3. Ensure clear public information about the availability of non-confidential court proceedings via live streaming or other access.
4. When possible, obtain reliable email addresses for the parties, and verify their ability to access a stable internet connection if a video conference is to be used.
5. Determine whether any language interpretation will be needed by any participant, and the effect that need might have on effective participation via remote appearance technology. Schedule and group hearings to optimize the use of interpreter resources.

Noticing for the Proceeding

6. Provide notice to the litigant of the intent to use Zoom or similar free remote appearance platform along with connection instructions.
7. Require that notices of hearing contain a phone number and a link to the Zoom hearing, or similar free remote appearance platform, for the specified date and time.

Starting the Proceeding

8. Start each hearing by laying the ground rules. Describe how the hearing will be conducted and how the platform will be used.
9. Announce the case number prior to commencement of the proceeding and require all parties to announce themselves to assist with the court record, tagging, and transcription.
10. Address parties on the record to verify that they are waiving their right to be present in the courtroom for the proceedings. In addition, if there is a victim involved, ensure that the victim's rights are addressed on the record.
11. Assure all sides they will be heard, but that the use of the technology requires a rigid rule of speaking one-at-a-time. The judge will invite comment from each person and allow opportunities to respond. The judge runs the hearing and by name invites testimony, argument, etc. from each person so the record is clear and the hearing is orderly.
12. Despite not being physically in the courtroom, the court should continue to remind participants the proceeding is live, is being recorded, and that courtroom decorum rules apply.
13. The court should advise participants if the proceeding is being recorded and note restrictions on the unauthorized recording of the proceeding.

During the Proceeding

14. Judges should encourage the use of gallery view in the remote video settings, allowing all parties and participants to see each other in the hearing.
15. Be prepared to postpone the hearing if the pro se litigant has issues using the technology.
16. Finalize orders and file and serve through the CAPS Viewer or E-Portal.

Logistics

Contact Information / Procedures

1. Provide extra notice of hearings. Consider mailing the virtual hearing information to the pro se litigant with clear instructions on how to contact the court to arrange remote participation.
2. Provide a telephone option, toll-free if possible, as an alternative for video appearance if appropriate.

Procedural Practices

3. Judges and/or court staff must act as hosts to control remote meetings. Appoint the case manager or other staff as co-host so that they can help manage the waiting room and rename participants as needed.

Document Handling

4. Consider the need for an electronic signature workflow solution, with detailed instructions, when responding or filing.
5. Provide the capability for all parties to deliver all potential evidence to the court in advance.

Consider attaching the companion best practices guide, [Representing Yourself and Using Remote Appearance Technology with the Courts](#), to pro se litigant communications. The companion guide has been posted to many court and clerk websites and shared with justice stakeholders.

Technology Features of the Remote Appearance Platform

6. When hosting hearings, the court should enable the "Waiting Room" function in Zoom. The "Waiting Room" allows the host to control who is admitted to the hearing and prevent participation by individuals who are not litigants in that case.
7. Train self-help staff and/or all staff so that they can troubleshoot with the pro se litigants. Provide a Zoom Procedure Guide to all staff.

BEST PRACTICES

Representing Yourself and Using Remote Appearance Technology with the Courts

May 6, 2020

Remember, even though your hearing is happening over the phone or through the internet, it is a court proceeding. You should act the way you would if you were in the courtroom in person. Court rules and standards apply.

Please review the following tips:

Do:

- Do let the court know if you don't have a phone or access to the internet. The court may be able to help you find a way to participate or may postpone the hearing.
- Do visit the video call website (such as [Zoom](#)) or a video sharing website ([YouTube](#)) for guides, helpful videos, and additional information.
- Do prepare for your virtual hearing. If you plan to participate in your hearing by video, download the video application before your scheduled hearing. Be sure to test your speaker, microphone, and camera before the hearing. Video call software websites often provide a test link to try your equipment before the actual event (Zoom test example [here](#)).
- Do dress appropriately, like you would if actually going to the courthouse.
- Do limit distractions during your hearing. Put all pets and other things that may be a distraction in a different room. Find a quiet place to participate in the hearing.
- Do keep your device on mute when not speaking. Keeping your phone, mobile device, or computer on mute unless speaking reduces feedback and limits background noise.
- Do call the court in advance if you want to present evidence. If you have documents or witnesses you want available for your hearing, check the judge's website or call the court for more information.
- Do make sure others using your Wi-Fi network minimize their usage during your hearing so you have the best possible connection.

Don't:

- Don't ignore the virtual hearing. If you cannot make the hearing or have a conflict, notify the court.
- Don't talk over others, it makes it hard for the judge and others to hear. Wait to speak until asked to by the judge.
- Don't do other things while on the call. Just like in an actual courtroom, you must pay attention to make sure you don't miss something important that is said or something the judge asks you to do.



BEST PRACTICES

Management of Evidence in Remote Hearings in Civil and Family Cases

May 5, 2020

Introduction

This guide sets forth best practices with respect to the management of evidence during remote hearings in civil and family cases, provides an overview of the requirements for the conduct of in-person and remote hearings specified in [Florida Supreme Court Administrative Order 20-23, Amendment 1](#), and provides links to other resources generally addressing remote hearings.

Best Practices for Remote Evidentiary Hearings

Local administrative orders (AOs) should establish procedures for the filing and management of exhibits and the taking of witness testimony in remote hearings. Issues that a Florida judicial circuit may wish to address include specifying:

1. Procedures that distinguish between requirements for:
 - a. Parties represented by counsel and self-represented parties, if appropriate; and
 - b. Physical exhibits, exhibits capable of being provided electronically, and witness testimony.
2. Requirements for the parties to exchange exhibits and confer remotely before the hearing for the purpose of stipulating, as much as practicable, to the authenticity and admissibility of the exhibits. With respect to physical evidence, parties could be directed to exchange pictures of the evidence.
3. Requirements for the parties to file with the court any objections to exhibits by a specified deadline and procedures for the setting of hearings to resolve all such objections before the evidentiary hearing.
4. Requirements for the parties to:
 - a. Exchange witness lists that include the witnesses' names, email addresses, and cell and landline phone numbers before the hearing;
 - b. Ensure their witnesses who will lay the predicate for evidence have a copy of the evidence;
 - c. Ensure their witnesses have the necessary technology to participate in the remote hearing and, if not, specify requirements for the provision of an affidavit from the party explaining and attesting to the inability for the witness to access such resources;

- d. Ensure their witnesses are aware of the witness testimony protocol discussed below.
 - e. Meet specified deadlines for the provision of the witness lists to the court along with the identification of any witness for whom an interpreter or an accommodation under the Americans with Disabilities Act will be required or for whom they request sequestration. The name of the interpreter should be included in the witness list.
5. Requirements for the marking and indexing of exhibits, filing methods, e.g., via the clerk or ePortal, email to the presiding judge, or upload to a cloud storage service, and filing deadlines.
- a. With respect to physical evidence, the local AO could direct the parties to contact the presiding judge on a case-by-case basis and to indicate whether there is agreement among the parties as to how the physical evidence will be filed. Options for submission might include filing a picture of the physical evidence or submitting the evidence in a sealed, clear plastic bag.
 - b. Consider advising parties that documents or other items that the presiding judge must review during the hearing, but which are not being submitted as evidence, e.g., a driver's license to verify identity, do not have to be provided to the judge in advance and may be presented to the judge during the hearing using the camera.
6. Any applicable limits on the time that will be allotted for the hearing.
7. Provisions indicating that:
- a. Discovery, evidence, and other rules of procedure still apply, unless suspended or amended by the Florida Supreme Court, as does the right to due process in all court proceedings; however, the courts and parties are encouraged to use flexibility during the public health emergency for the equitable resolution of cases.
 - b. As such, nothing in the local AO limits the presiding judge's discretion to:
 - i. Establish other procedures consistent with the AO;¹
 - ii. Admit or deny evidence in the case or determine other relief appropriate under the circumstances; and
 - iii. Reset the hearing if technological issues prevent the meaningful review of evidence, where the parties have complied in good faith with the procedures, to use more appropriate electronic means or, if authorized

¹ In all cases, the presiding judge should ensure that any procedure independently established by the judge is equitable and does not result in an advantage to one party over the other.

under Florida Supreme Court AOSC 20-23, Amendment 1, for an in-person hearing.²

8. Provisions notifying parties that they should contact the presiding judge's office to determine whether the judge has established additional procedures for a remote hearing.
9. Provisions notifying parties of the suspension of certain rules, court orders, and opinions by Florida Supreme Court AOSC 20-23, Amendment 1, relating to remote hearings and remote administration of oaths.
10. Procedures that ensure the public's right of access to court hearings while maintaining any confidentiality that may apply to information in exhibits or witness testimony.³
11. Responsibilities of the parties for providing for the transcription of the record and indicating that court reporters may remotely participate in the hearing.
12. Post-hearing procedures for the filing of exhibits not filed before the hearing, for a corrected index of exhibits introduced in evidence, and for the parties to retain copies of evidence admitted or denied admission by the presiding judge until the resolution of the case and exhaustion of any appeal.
13. Sanctions applicable to a party's failure to comply with the requirements of the local AO. Consider including these sanctions in the presiding judge's standing order or order setting the hearing.

For examples of recent AOs on this topic, see [Eleventh Judicial Circuit Administrative Memoranda](#).

Best Practices for Witnesses

With respect to witnesses, additional evidentiary issues for which the presiding judge of a remote hearing may wish to prepare include:

1. Advising witnesses at the beginning of the hearing or before their testimony of the following protocol for their testimony: they must be alone in a quiet room during their

² Under AOSC 20-23, Amendment 1, in-person hearings may be conducted only for essential proceedings. Additionally, under the AO, non-essential proceedings must be conducted remotely unless one of the two exceptions discussed in Footnote 4, below, apply.

³ For a discussion of the strong presumption of openness for all court proceedings and of confidentiality requirements applicable in the judicial branch, see the [Government-In-The-Sunshine-Manual](#), 2020 Edition, by the Office of the Attorney General, at pages 12-13 and 63-68, respectively. Although the public has a right of access, it does not have the right to participate in the proceeding.

testimony, may not use a virtual background, and are ordered, subject to contempt of court, to turn off all electronic devices except for the device enabling participation in the hearing and to refrain from exchanging any electronic messages during their testimony.

2. Requiring witnesses to remain in a Zoom waiting room until they are called to testify and removing them from the hearing following their testimony. To enable this function, the presiding judge or clerk must host the Zoom hearing. This functionality is critical in the event that a witness must remain in a waiting room because he or she is sequestered. If sequestration is necessary, one of the following options will be needed:
 - a. The posting of a video of the proceeding after the hearing, rather than the live streaming the proceeding; or
 - b. Determination of some other mechanism that ensures the witness is unable to view the live-streamed proceeding.
3. Confirming that the witness is alone by requiring him or her to use his or her camera to scan the room before and after testimony and noting this for the record.

Florida Supreme Court Administrative Order 20-23, Amendment 1

Florida Supreme Court Administrative Order 20-23, Amendment 1 requires the trial courts to conduct:

- Essential and critical proceedings in a manner that employs all methods feasible to minimize risk of COVID-19 exposure to all; and
- Non-essential and non-critical court proceedings using electronic means unless a judge determines that remote conduct of the proceeding is subject to an exception.⁴

Included within the categories of proceedings above are requirements for the conduct of certain proceedings in civil and family cases:

Civil and Family Essential Proceedings - <i>must be conducted remotely or in-person</i>	Civil and Family Non-Essential Proceedings – <i>must be conducted remotely</i>
Juvenile dependency shelter hearings	Alternative dispute resolution proceedings
Juvenile delinquency detention hearings	Status, case management, and pretrial conferences
Hearings on petitions for injunctions relating to safety of an individual	Non-evidentiary and evidentiary motion hearings
Hearings on petitions for risk protection orders	Hearings in juvenile delinquency cases

⁴ The exceptions are that the remote conduct of the proceeding would be: (a) inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or (b) infeasible because the court, the clerk, or other participant in a proceeding lacks the technological resources necessary to conduct the proceeding or, for reasons directly related to the state of emergency or the public health emergency, lacks the staff resources necessary to conduct the proceeding.

Hearings on petitions for the appointment of an emergency temporary guardian	Hearings in noncriminal traffic infraction cases
Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act	Problem-solving court staffings, hearings, and wellness checks
Hearings on petitions for extraordinary writs as necessary to protect constitutional rights	Non-jury trials, except for juvenile delinquency and termination of parental rights petitions in dependency cases unless the parties in those cases agree to remote conduct

To facilitate the remote conduct of proceedings, the AO:

- Authorizes chief judges to establish temporary procedures for the use, to the maximum extent feasible, of communication equipment for the conduct of remote proceedings.
- Authorizes the remote administration of oaths by audio-video communication technology for witnesses.
- Suspends all rules of procedure, court orders, and opinions applicable to:
 - Court proceedings that limit or prohibit the use of communication equipment for conducting proceedings by remote electronic means; and
 - Remote testimony, depositions, and other legal testimony that limit or prohibit the use of audio-video communications equipment to administer oaths remotely or to witness the attestation of family law forms.

Other Resources Generally Addressing Remote Hearings

1. Florida:
 - a. [Video of a Remote Mock Trial](#), Seventeenth Judicial Circuit, posted May 1, 2020.
 - b. [Benchguide Checklist for Procedural Safeguards During Hearings for Judges](#), Eleventh Judicial Circuit, May 4, 2020: checklist addressing items that a judge should consider before and during a remote hearing conducted via Zoom.
 - c. [Zoom Script for Judge](#), Eleventh Judicial Circuit, May 4, 2020: script for judges that establishes ground rules for a Zoom hearing.
2. National Center for State Courts
 - a. [Checklist for judges in virtual proceedings](#), April 22, 2020: short checklist indicating issues to be considered by judges when conducting remote hearings.
3. [Michigan’s Virtual Court Resources](#): contains a variety of remote hearing resources, including:
 - a. [Trial Courts Virtual Courtroom Standards and Guidelines](#), April 17, 2020: guidance for the Michigan judiciary on the best practices for conducting remote hearings.

- b. [Remote Proceedings Checklist](#), April 20, 2020: step-by-step guidance for the use of Zoom to set up and conduct a remote hearing.
 - c. [Frequently Asked Questions Regarding Expansion of Remote Proceedings](#), April 30, 2020: helpful, extensive list of questions regarding the expanded use of remote hearings.
4. [Texas Electronic Hearings with Zoom](#), Texas Judicial Branch: contains a variety of helpful resources for conducting remote hearings using Zoom.



BEST PRACTICES

Out-of-County Inmates

May 7, 2020

Introduction

This guide sets forth best practices with respect to providing due process to out-of-county arrestees during the COVID-19 pandemic.

Best Practices for Judges, State Attorneys, Public Defenders, and Law Enforcement Agencies

Reliable contacts are essential

1. Court administrative staff in each circuit must maintain an up-to-date list of statewide contacts for judges, state attorneys (SA), public defenders (PD), the Office of Criminal Conflict and Civil Regional Counsel, clerks of court (clerk), and the jail in each county to facilitate reliable communication among stakeholders.
2. Upon booking into a county jail on an out-of-county warrant or capias, it is strongly recommended that the hosting county jail or pretrial service staff send an email to the following eight contact persons: SA, PD, clerk, and the judge in both the home and holding counties. If possible, the email should include the documentation related to the arrest.
3. The first appearance judge should, after inquiry of the arrestee, make a provisional appointment of the PD in the hosting county.
4. The provisionally appointed PD should contact the home county PD and discuss options for release, plea in absentia, bond reductions, and/or pleas pursuant to section 910.035, Florida Statutes, etc., if applicable. These options include both non-transfer of venue options and transfer of venue pursuant to section 910.035, Florida Statutes.

Timeliness is key

1. All contacts and communication among stakeholders, including victim contact by the SAO, should take place as expeditiously as possible.
2. Except when charges are also pending in the host county, if an inmate remains incarcerated in a host county ten (10) days following a first appearance hearing, the judge and state attorney in the host county must re-contact their counterparts in the issuing county to verify if the state continues to desire extradition and whether the current monetary bond or other conditions of pretrial release should be modified.

The attached forms will expedite the process

1. Jails should facilitate inmates executing pleas in absentia to be entered in the home county for misdemeanor offenses.
2. The jail point of contact should be available to receive pleas in absentia from attorneys by email using the attached forms.
3. To facilitate the execution of pleas, jails should facilitate remote, private conferencing between the attorney and inmate, as well as fingerprinting and the validation of inmate identity and signature.

4. The jail should return the plea form to the hosting PD for routing to the home county.
5. Jails should assist inmates to appear virtually for the entry of pleas whenever possible.

Request to Transfer a New Case

Explanation and Instructions – Please Read Carefully!

A “Request to Transfer a New Case” is a form that allows you to request a transfer of a new criminal case(s) pending outside of the arresting county (i.e., pending criminal charges **not** in the county of arrest) to be resolved locally. In other words, if you are housed in a jail outside of the county where you have pending criminal charges, and you wish to resolve new pending charge(s) in the county of arrest, you may request to transfer the case to the county where you are incarcerated. **You may not use this form for violations of probation or violations of community control.**

This form should only be used if you have criminal charges pending outside of the arresting county.

Instructions

- (1) Please fill out the attached form (“Request to Transfer a New Case”) in blue or black ink and print legibly. The attached form may also be filled-in electronically.
 - a. Write the correct case number, county, and circuit for your pending charges. The more accurate information you provide, the quicker this request can be processed.
- (2) The attached form refers to “Home Court” and “Holding Court.”
 - a. “Home Court” is the court where your case originated (i.e., where the arrest warrant was issued).
 - b. “Holding Court” is the court located in the county where you are currently in jail.
- (3) Once this form is completed, provide it to jail staff who will forward it to the “Holding Court” judge who handled or will handle your first appearance.
- (4) Your completed form will be filed with the “Home Court.” It includes a “Response to Request to Transfer a New Case,” which will be completed by the “Home Court” State Attorney’s Office. *Do not fill out the “Response to Request to Transfer a New Case.”*
- (5) If the State Attorney’s Office agrees to the transfer, the “Home Court” Clerk of the Court will transmit the necessary documents to transfer your case to the “Holding Court” Clerk of the Court, and you will be called before this Court to address the pending charges.

Please understand that this request will only be granted upon the written approval of the prosecuting attorney from the county where the charge(s) was filed.

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____, the foregoing Request was furnished to the below parties by U.S. Mail, hand delivery, or electronic means to:

Original:

Clerk of the Circuit Court in and for _____ County, Florida (“Home Court”)

Copies:

Office of the State Attorney, _____ Circuit, in and for _____ County, Florida
Defendant

By: _____
Person Sending Copies

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

STATE OF FLORIDA,

v.

CASE NO.: _____

_____,
Defendant.
_____ /

RESPONSE TO REQUEST TO TRANSFER A NEW CASE

COMES NOW, _____, on
behalf of the _____ Circuit State Attorney's Office. I am the prosecutor
assigned to the above-styled case. I have received the Defendant's "Request to Transfer a New
Case," and I agree / do not agree to the transfer of the instant case for resolution in the
_____ Judicial Circuit in and for _____ County.

Respectfully submitted,

Name _____

Signature _____

Email _____

Phone _____

*****If the Office of the State Attorney agrees with the request, the Clerk of the Court is respectfully requested to transmit the papers in the proceeding (or certified copies) to the appropriate Judicial Circuit Clerk of the Court, as required by section 910.035(a), Florida Statutes, so that prosecution may commence. If the Office of the State Attorney disagrees with the transfer, no further action by the Clerk is necessary, and the case will be tried in the "Home Court."*****

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____,
the foregoing Response was furnished to the below parties by U.S. Mail, hand delivery, or
electronic means to:

Original:

Clerk of the Circuit Court in and for _____ County, Florida (“Home Court”)

Copies:

Office of the State Attorney, _____ Circuit, in and for _____ County, Florida

Clerk of the Circuit Court in and for _____ County, Florida (“Holding Court”)

Defendant

By: _____
Person Sending Copies

Request to Resolve Violation of Probation While Incarcerated in Holding Court

Explanation and Instructions – Please Read Carefully!

A “Request to Resolve Violation of Probation While Incarcerated in Holding Court” is a form that allows you to request that your pending violation of probation (VOP) or community control (VOCC) be resolved while you are housed in another circuit. Therefore, you should only use this form if (1) you are currently facing an allegation of violating probation or community control and (2) are not currently being held in the same circuit as your violation of probation or community control charge.

You may not use this form to address new charges; rather, you should use the packet titled “Request to Transfer New Case.”

Instructions

- (1) Please fill out the attached form in blue or black ink and print legibly. Write the correct case number, county, and circuit for your pending VOP/VOCC. The attached form may also be filled-in electronically.
- (2) The attached form refers to “Home Court” and “Holding Court.” “Home Court” is the court where your pending violation of probation or community control is. “Holding Court” is the county where you are currently in jail.
- (3) Once this form is completed, provide it to jail staff who will forward it to the circuit judge authorized to hear and resolve cases statewide.
- (4) This form will first be reviewed by the Holding Court. The Holding Court will contact the Home Court and determine whether (1) the pending VOP/VOCC can be handled by the Holding Court, (2) the Home Court can resolve the pending VOP/VOCC charges remotely, or (3) the pending VOP/VOCC cannot be resolved until you are transported to the Home Court.
 - a. The Holding Court Judge who would preside over your VOP/VOCC has temporary jurisdiction to handle “necessary matters relating to cases of criminal defendants being held indefinitely outside of the jurisdiction in which the defendant’s case is pending.” Florida Supreme Court Admin. Order 2020-92. However, before the Holding Court can resolve your VOP/VOCC, you will need to acknowledge that you have the right to have your VOP/VOCC resolved in the Home Court and that you waive venue.

Completion and submission of this form does not guarantee that your pending violation of probation or community control will be resolved prior to Defendant’s transfer to the “Home Court.” However, efforts by the Holding Court will be made to coordinate with the Home Court to either resolve your VOP/VOCC remotely or have it handled with the Holding Court.

CERTIFICATE OF SERVICE

(To be completed by the local judge's judicial assistant)

I hereby certify that on this _____ day of _____, 20_____,
the foregoing Request was furnished to the below parties by U.S. Mail, hand delivery, or
electronic means to:

Original:

Clerk of the Circuit Court in and for _____ County, Florida (*"Home Court"*)

Copies:

Appropriate judge in Home Court

Court Administration in Home Court

Defendant

Office of the State Attorney, _____ Circuit, in and for _____ County, Florida (*"Home Court"*)

By: _____
Judicial Assistant