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03/27/2020 at 03:30 PM, GWEN MARSHALL, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2020-07

IN RE: EMERGENCY TEMPORARY STANDING ORDER REGARDING PARENTING IN DOMESTIC RELATIONS CASES

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

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

WHEREAS, the Governor of Florida has announced that all schools will be closed to students until at least April 15, 2020, and that distance learning will begin on Monday, March 30, 2020, for all students; and

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

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

IT IS HEREBY ORDERED that:

I. APPLICATION AND TERM OF THIS ORDER.

A. This Order is intended for all family law matters regarding parental responsibility and time-sharing, to be utilized and complied with **immediately** in all existing and newly filed Domestic Relations cases in all counties of the Second Judicial Circuit. However,

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this Order shall not supersede or modify any existing domestic violence injunction or criminal "no contact" order which is in conflict with these provisions.

B. This Order does not preclude a Judge from modifying or amending this Order in individual cases where the Judge deems necessary. Any part of this Order not changed by a subsequent order shall remain in effect.

II. CONTACT WITH BOTH PARENTS; SHARED PARENTING.

A. All parties are expected to follow all current Final Judgments, Temporary Orders, Settlement Agreements, or other orders of the court awarding parental responsibility or time-sharing. **That means that if the court order defines timesharing pursuant to a school calendar, the parties must follow the calendar as published and not any adjustments to the calendar because of the COVID-19 pandemic. Follow the court order that currently exists.**

B. Unless otherwise prohibited by an existing court order, each parent is prohibited from unreasonably restricting access of the child(ren) to the other parent. **Follow the court order that currently exists.**

C. Exchanges that were to take place at a child(ren)'s school or daycare that is not currently open should be arranged between the parents in writing by email, text, or parenting app. In the event the parents cannot agree on an alternate arrangement, the exchanges shall take place at the police station or sheriff's office that is located closest to the school or daycare. The closest police station or sheriff's office shall be determined by the distance shown on Google Maps, Apple Maps, or some other similar mapping program or website. Motions filed related to this subject will likely be ruled upon without hearing.

D. In the event the Governor of Florida issues an order that requires parties to "shelter in place," the parties are to discuss where the child(ren) are in the best position to meet the requirements of their school, remain with siblings if possible, and be safe. If the parties cannot agree, the parent with the majority timesharing (183 overnights) shall keep the child(ren) until the shelter in place order is lifted, or a Court Order is entered. The Court will have jurisdiction to consider all appropriate remedial measures, including make-up timesharing, once Emergency Orders and Procedures are lifted and the Courts return to normal operations. Parties are to resume time sharing as outlined in paragraph "C" above once the shelter in place orders are lifted. This shall continue until the parties are able to secure hearing time with the Court to address possible make up timesharing.

E. Video-conferencing and phone contact shall be honored as set forth in the parties' Parenting Plan. Unless previously ordered, video and phone contact should not be monitored or interrupted by the co-parent or any other third party, unless there are specific Court Orders in place as to those issues.

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III. CONTEMPT AND WRITS OF BODILY ATTACHMENT.

Law enforcement agencies, criminal justice authorities and the courts instituted substantial measures to reduce the number of people incarcerated. During this health crisis, judges are directed not to issue writs of bodily attachment for contempt hearings related to non-payment of child support or alimony. Nothing in this Order prohibits a judge from ordering other measures to obtain compliance with a court order.

IV. EMERGENCY MOTIONS AND EXPEDITED HEARINGS.

A. Parents are strongly cautioned that unreasonable, hurtful, or destructive behavior may be severely and harshly sanctioned by the court, and the non-offending parent may be awarded significant make up time, including summer and consecutive major holidays. The Court may award attorney's fees and costs and/or sanctions for a party's unreasonable behavior. Such actions may also impact the Court's long-term decision for timesharing pursuant to the Chapter 61 factors to determine a Parenting Plan in the best interest of the child(ren).

B. Any party may file a motion to address adherence to Orders of the Court. Motions filed as "emergency" motions must be served on the other parent pursuant to the rules of procedure. The Court may require a written response from the other party prior to a hearing be set, and the motion may be ruled upon without any hearing. The party should also send a proposed order in Word format for the Court's consideration.

C. The Court may set a hearing at which the parties will be required to appear remotely. If a notary is not present, the party shall be prepared to provide adequate identification to conduct the hearing. That should include filing a copy of his/her driver's license with the Clerk of Court. This applies to witnesses as well. A parent participating in such a hearing shall do so outside the presence and awareness of the child(ren).

D. The Court expects all parties and attorneys to cooperate in the scheduling of telephonic or electronic hearings, and, when possible also depositions, mediations and other out-of-court interactions.

V. This administrative order is effective immediately, and in effect until further order of the Chief Judge.

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VI. This administrative order supersedes all inconsistent provisions of any prior directive or administrative order.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 27th day of March, 2020.

JONATHAN SJOSTROM
Chief Judge

Copies furnished to:
All Circuit and County Judges, Second Judicial Circuit
All Clerks of the Court, Second Judicial Circuit
All Sheriffs, Second Judicial Circuit
State Attorney, Second Judicial Circuit
Public Defender, Second Judicial Circuit
Office of Court Administration, Second Judicial Circuit

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