

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES

ADMINISTRATIVE ORDER NO. 1-15.1

IN RE: DUTY JUDGE ASSIGNMENT & RESPONSIBILITIES

WHEREAS, the prompt and efficient administration of justice requires a judge to be available in chambers during work hours and on call after work hours to handle emergency matters; it is therefore

ORDERED as follows:

DEFINITION OF EMERGENCY

1. By separate administrative order, the chief judge shall promulgate a semi-annual duty roster so that a judge, commonly referred to as the "duty judge," shall be available at all times to handle applications for search warrants, pen registers, petitions for *ex parte* injunctive relief to prevent domestic and repeat violence, and other emergency matters. In this context, the term "emergency" encompasses the foregoing *ex parte* applications and other matters of extreme urgency, *i.e.* matters of life and death or instances of irreparable harm. Not included in this definition are matters of extreme urgency in cases that have been assigned to a division if the assigned trial judge or his or her alternate is present in the courthouse.

HOURS

2. The "duty judge" shall be available from 8:30 to 5:00 p.m. each workday at the Polk County Courthouse in Bartow, Florida. On holidays and weekends the duty judge shall be available from 5:00 p.m. on the last regular work day preceding the holiday or weekend until 8:30 a.m. on the next regular workday. After-hours coverage for Domestic Violence case shall be provided through an on-call system in which the duty judge can be reached by being called on the duty judge phone.

RESPONSIBILITIES

3. Whether a judge should clear his or her calendar to be available to handle the duty judge's responsibilities is a matter left to the discretion of each judge. If a judge maintains a normal or reduced workload during the duty judge assignment period, that judge is obligated to stop what he or she is doing to accommodate duty judge responsibilities.

4. If the duty judge becomes ill or otherwise unable to fulfill the responsibilities of his or her assignment, it shall be the responsibility of that duty judge to find another judge who is able to fulfill the responsibilities of the assignment.

5. Alterations or substitutions in the published duty judge roster must be done in writing with a copy to court administration.

FIRST APPEARANCES – HOLIDAYS & WEEKENDS and JUVENILE DETENTION HEARINGS

6. The duty judge shall preside at juvenile detention hearings and holiday and weekend first appearance hearings. Juvenile detention hearings shall commence at 8:15 a.m. at the Juvenile Detention Center. Unless notified otherwise, first appearance hearings shall commence immediately thereafter with the duty judge at the Polk County Courthouse and the defendants and any defense counsel appearing by video.

AFTER HOURS INJUNCTIVE RELIEF

7. To facilitate the acceptance and processing of emergency *ex parte* applications for injunctive relief to prevent domestic violence, *see* Section 741.30, Florida Statutes, a procedure has been developed involving the assistance of area law enforcement agencies and the Domestic Violence Program. The procedure is initiated when the victim makes contact with Law Enforcement. After a Law Enforcement Officer (LEO) has assessed the situation it may become apparent, under extreme conditions, that an emergency injunction is needed. The LEO at the scene will investigate the situation and determine the appropriateness of requesting the emergency procedure. To determine extreme conditions, the after-hours emergency criteria list, as provided by the Domestic Violence Department, should be consulted. The LEO shall obtain approval from his or her supervisor to contact the Spouse Abuse shelter. Only an LEO may request an emergency after-hours injunction. All others, including the victims, must contact law enforcement. The shelter shall verify that the caller is a law enforcement officer and then notify the Clerk's Victim Assistant (VA) by beeper or telephone. The Clerk's VA shall respond to the beep or call within 30 minutes. Shelter staff is advised to call again if they do not receive a call back within this time frame. A backup number will also be available. It is the VA's responsibility to advise the shelter of the on-call schedule and to keep the shelter updated with current home phone numbers. The shelter shall not divulge the VA's home phone numbers to anyone at any time. Once the information is passed on to the Clerk's VA, the shelter's responsibility with regard to obtaining the injunction is achieved. The Clerk's VA shall call the LEO immediately to discuss the situation. The VA will then talk to the victim about the facts of the case and the injunction process. If the criteria for obtaining an emergency injunction has been met, and the victim wishes to proceed, the VA will arrange to meet with the victim at the Polk County Sheriff's Office interview room which is accessible through the rear entrance. The LEO may call his or her agency's victim advocate to transport the victim. The VA will take the victim's statement and prepare the sworn petition. The duty judge will be contacted by phone. The petition will be read to the duty judge, for him or her to approve, deny, or set notice. If the duty judge gives permission for the injunction to be entered, the client advocate will complete one of the pre-signed orders provided by one of the circuit judges and complete the information required thereon.

EQUIPMENT

8. The transfer of responsibility from one duty judge to the next shall occur at 8:30 a.m. A duty judge phone shall be provided to the duty judge. Also, each judge has been provided with a loose-leaf binder with relevant statutes, rules, case law and checklists. The duty judge phone shall be transferred from one duty judge to the next at the beginning of the duty judge assignment.

OPERATING PRINCIPLES

9. Every judge in the circuit shall be assigned, on a rotating basis, to preside at juvenile detention hearings and holiday and weekend first appearance hearings.

DONE AND ORDERED on this 28th day of July 2006.

RONALD A. HERRING

Chief Judge