

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES**

ADMINISTRATIVE ORDER NO. 1-15.3

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:

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:

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 cases 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:

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.

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.

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

HOLIDAYS & WEEKENDS - JUVENILE DETENTION, SHELTER AND FIRST APPEARANCE HEARINGS:

On holidays and weekends, the duty judge shall preside at juvenile detention, shelter, and first appearance hearings. Juvenile detention and shelter 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 (Polk County Only):

The following procedures will be followed in emergency situations in which a Domestic Violence Injunction is being sought after normal working hours. This process is established in keeping with the requirements of §26.20, Florida Statutes which only applies to DOMESTIC VIOLENCE injunctions and not to Dating, Repeat, or Sexual Violence.

1. The after-hours process is initiated when a person makes contact with Law Enforcement or contacts the Peace River Center regarding a domestic violence event or circumstances in which the person believes that he or she is in immediate and present danger of domestic violence and wants a domestic violence injunction for protection.
2. If a Law Enforcement Officer (hereinafter "LEO") is contacted first, the officer at the scene will advise the person (hereinafter "petitioner") of the opportunity to seek an after-hours Domestic Violence Injunction and the process for submitting the petition. The LEO should then contact his or her law enforcement agency's Victim Advocate (if any) to further assist the petitioner. If the petitioner wishes to submit a Petition for Injunction for Protection Against Domestic Violence, the petitioner will be advised to contact Peace River Center; contact information for the Peace River Center will be provided to the petitioner by the LEO or the Victim Advocate.
3. Peace River Center staff shall receive the calls and conduct an interview of the petitioner and make any appropriate referrals to available services including emergency shelter. If the petitioner wishes to seek an after-hours ex-parte Domestic Violence Temporary Injunction, the Peace River Center staff person will notify the on-call Clerk of Court's Victim Assistant by telephone.
4. The on-call Clerk of Court's Victim Assistant (hereinafter "CCVA") shall respond to the telephone call from the Peace River Center staff within 30 minutes.

The Peace River Center 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 Clerk of Court's responsibility to advise the Peace River Center of the on-call roster and to keep Peace River Center updated with current home telephone numbers for the after-hours on-call CCVA person or persons. Peace River Center shall not divulge the CCVA's home telephone numbers to anyone at any time. Once the petitioner's information is passed on to the CCVA the Peace River Center's responsibility with regard to the petition process is completed.

5. The CCVA on-call will talk to the petitioner about the domestic violence event(s) or circumstances which the petitioner believes constitutes an immediate and present danger of domestic violence. The CCVA will advise the petitioner about both the regular hours injunction process and the after-hours injunction process. If the petitioner wishes to proceed immediately with the after-hours domestic violence injunction process, the CCVA will arrange to meet the petitioner at the Polk County Courthouse, located at 255 North Broadway, Bartow, Florida.

If the petitioner chooses not to file the emergency petition at any time during this process, documentation should be kept by all parties who have knowledge of this fact. This includes Law Enforcement, the CCVA, the law enforcement Victim Advocate, and the Peace River Center, if applicable.

6. The CCVA will park next to the south side of the Courthouse and will be admitted into the courthouse by security through the South entrance. The petitioner will be admitted and screened at the main North entrance and meet the CCVA in the main first floor lobby. Only under special circumstances approved by the security officer would anyone other than the petitioner, Victim Advocate (if any), language interpreter as needed, and CCVA be permitted into the courthouse.
7. The petition for the Domestic Violence temporary injunction will be written per the Clerk's Office normal procedures. The CCVA will take the petitioner's statement and prepare the petition to be reviewed and signed under oath by the petitioner. The petitioner will remain in the main lobby in view of the security officer.
8. The Duty Judge will be contacted by telephone. The petition will be read to the Judge for the Judge to approve, deny, and or set for a hearing. The resulting order or injunction will be processed according to the usual procedure.
9. Once the injunction process is complete, the paperwork will be faxed to Warrants/CIC at the Sheriff's Operation Center. A cover sheet shall be attached indicating the purpose of the fax. The CCVA will verify receipt of the injunction by telephone and fax receipt. The original injunction shall be forwarded to Court Process the next business day.
10. If any security issues occur during processing of the injunction, the CCVA shall radio or call for assistance from courthouse security.

EQUIPMENT:

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:

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.

This Order Vacates Administrative Order 1-15.2.

DONE AND ORDERED on this 30th day of June, 2011.

J. DAVID LANGFORD
Chief Judge