

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

ADMINISTRATIVE ORDER NO. 5-48.1

**IN RE: AFTER HOURS INJUNCTIVE RELIEF
IN HIGHLANDS AND POLK COUNTIES**

WHEREAS, the prompt and efficient administration of justice requires a judge to be on call after work hours to handle emergency matters; and

WHEREAS, it is necessary to establish procedures to be followed in emergency situations in Highlands and Polk Counties in which a Domestic Violence Injunction is being sought after normal working hours; it is therefore

ORDERED as follows:

The following procedures will be followed in emergency situations in Highlands and Polk Counties 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, Sexual Violence, or Stalking 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.
11. Administrative Order No. 5-48.0, entered on May 8, 2011, is **SUPERCEDED** by this order.

DONE AND ORDERED on this 25th day of October, 2013.

WM. BRUCE SMITH
Chief Judge