

## **JUVENILE DIVISIONAL INSTRUCTIONS –COVID-19 – PHASE 1**

In light of the serious health risks presented by the current pandemic and concern for the health and welfare of those appearing before the Juvenile Court - children, parents, caregivers, attorneys, court personnel, and all others involved in serving delinquent and dependent youth - the following protocols shall be in effect for the Juvenile Divisions of the Fifteenth Judicial Circuit as long as the Court remains in COVID-19 Phase 1, as defined by the Florida Supreme Court and the Fifteenth Judicial Circuit. <sup>1</sup>

The Florida Supreme Court has determined that, during Phase 1, virtually all dependency and delinquency proceedings must be heard remotely, absent individualized findings by a Court that a particular matter can be continued or heard in person. All of the Fifteenth Judicial Circuit Juvenile Judges are mindful of the added strain and responsibilities that remote hearings entail. Continuing to provide access to the courts for dependent and delinquent youth and their families will require the highest level of professionalism and cooperation between opposing counsel and parties. The Juvenile Divisions' Phase 1 protocols are intended to provide a comprehensive framework for efficient and effective remote proceedings before the Court, in accord with the United States and Florida constitutions, applicable statutes, rules and administrative orders.

### **I. GENERAL REMOTE HEARING GUIDELINES**

#### **A. REMOTE PLATFORM: ZOOM**

1. The Fifteenth Judicial Circuit has obtained a license to use the Zoom platform for hearings. The license allows anyone who wishes to attend a hearing to download the Zoom application and appear, at no charge. Zoom supports participation by both internet users (audio and video) and telephone users (audio only). A Zoom hearing can occur with some participants appearing via the internet and others via telephone.
2. If the parties in a particular case wish to use a different remote platform, they may seek permission of the Court to do so via written motion.
3. Absent court permission to use a different remote platform, counsel, parties, and witnesses are expected to appear remotely via the Zoom platform. All attorneys who appear before the Court are expected to familiarize themselves with Zoom and its capabilities.
4. Zoom hearings can be accessed with an internet browser or by downloading the Zoom application on a computer, tablet or cellular telephone. Downloading and installing the Zoom application takes a few minutes, so this must be done in advance of any Zoom appearance.
5. Although the Zoom platform allows for both regular phone and video access, counsel and parties are expected to appear via video unless there

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<sup>1</sup> Pursuant to Administrative Order of the Supreme Court, in Phase 1, in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare. AOSC20-23, Amendment 5.

is a technological impediment to doing so. Any individual required to give sworn testimony shall appear via video.

6. If a party does not have access to a private phone or computer, and counsel is unable to assist with access to a telephone or computer, there are telephones available at the Main, South County, and Belle Glade courthouses that can be used to access any Zoom hearing.
7. Instructions for attorneys and litigants on the use of Zoom can be found on the Fifteenth Judicial Circuit's website: [HOW to ZOOM](#).
8. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS AND POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.** Counsel is also responsible for providing Zoom information to any other attorney who is covering a hearing on counsel's behalf in advance of the hearing.

## **B. REMOTE ETIQUETTE: RULES TO FOLLOW IN THE REMOTE COURTROOM**

### **a. ATTORNEYS ARE TO ADVISE THEIR CLIENTS AND POTENTIAL WITNESSES OF REMOTE COURTROOM RULES**

1. **REMEMBER YOU ARE STILL IN A COURTROOM:** Although hearings and trials are being conducted remotely, they are still Court proceedings and as such are to be conducted with the same dignity and protocol that would apply if the parties and attorneys appeared in person. All participants should conduct themselves accordingly.
  - a. Remember that the proceedings are being recorded as part of the official court record and act accordingly.
  - b. Dress appropriately
    - i. Suits are not necessary, but shirts are!
  - c. Sit in one quiet place
    - i. No walking around or driving
  - d. Limit disruptions and distractions
    - i. Sit in a secluded place away from pets, children, and other people
    - ii. No texting, talking on the phone, or talking to others while muted
    - iii. Turn off televisions, other computers, music, and other background interference

## **2. DURING THE HEARING:**

- a. Remain on video for your entire hearing
- b. Please mute yourself upon entry to the Zoom hearing and stay on mute until you are called upon by the Court.
- c. When you do speak, identify yourself, and be sure to speak slowly and clearly to ensure that the Court record is complete.
- d. If you want to speak with someone privately about the ongoing court hearing (attorney-client communications or settlement negotiations, for example), please ask the Court. You can text or call on your phone, use the private chat function, or ask the Court to open an unrecorded private breakout room for you.
- e. Please only use the Everyone chat function if you are having technical difficulties with your audio or video. Please refrain from using emojis in the chat.
- f. Please remember that only the Court may record these proceedings.

## **3. PRE-HEARING PROCEDURES:** Remote Hearings present technological challenges that may impact the time needed for the Court to hear a matter. As such, it is especially important for counsel to prepare their clients and potential witnesses in advance of any hearing, to ensure that both substantive and technological issues are addressed outside of court whenever possible:

- a. Attorneys and their clients and witnesses should meet prior to any remote hearing to discuss substantive issues that may arise at the hearing, and to address technical issues any participant may be having. The goal is to have the hearing move along as smoothly as possible.
- b. Please wait patiently in the virtual hearing until your case is called. Remember that the Judge may be finishing a prior hearing before your case can be called.
- c. If you are having trouble accessing the hearing, attorneys should contact the divisional JA; represented parties and witnesses should contact their attorneys.
- d. Please make every effort to have everyone appear via video. If someone is expected to testify, the Court will need to see them in order to swear them in.
- e. Zoom does not work well if more than one device is on in a single room. Please distance yourself accordingly.

#### **4. TIMELINESS**

- a. Given the nature of remote proceedings, it is very important that hearings begin and end on time.
- b. Please join any Zoom court hearing at least 10 minutes early to make sure everyone can access Zoom (audio and video) and can resolve any technical difficulties.
- c. In fairness to counsel and parties who are ready to proceed at the time scheduled for a hearing, if an attorney or party is late for a hearing, the Court may proceed without them.
- d. **When scheduling hearings, please take into account the additional time that may be needed to address remote issues.**

#### **5. WITNESS TESTIMONY**

- a. If an individual is testifying as a witness, they must be present via video so that the Court can administer the oath. They must sit alone in a quiet room; if anyone else is in the room, they must be identified. The witness may not use a virtual background during their testimony. Unless the Court is advised, the witness must not look at any documents of any kind. They must turn off all electronic devices other than the device enabling their participation in the hearing. The witness must refrain from exchanging any electronic communications during the hearing, and must immediately notify the Court if they receive any electronic communications during their testimony. In the event there is any technical issue with their appearance, they must advise the Court of the issue immediately.
- b. If counsel wishes the Court to admonish any witness of these or other matters, counsel shall make the request prior to the witness's testimony.

#### **C. INTERPRETERS**

- a. At least seven (7) days prior to any hearing, a Request for Court Interpreter should be made online at [www.15thcircuit.com/services/interpreters](http://www.15thcircuit.com/services/interpreters). Please select the blue "Request a Court Interpreter" button.
- b. Additionally, the requesting party should email the divisional JA and provide the case number, date and time of hearing and exact needs.
- c. Please note that Zoom has the capability to allow for simultaneous interpretation only when a party is appearing via video. Please encourage all individuals who require interpreting services to appear via

video. **ATTORNEYS ARE TO ASSIST THEIR CLIENTS AND POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.**

**D. NOTICE**

- a. All Notices of Hearings, subpoenas, summons, and any other official notice of any hearing shall include the courthouse location, and shall also clearly state that the hearing is to be conducted remotely via Zoom.
  - i. Specific Zoom hearing information shall be obtained from the divisional JA after confirmation of a hearing's date and time. The Zoom invitation will include information on how to join the hearing via Zoom video, and via Zoom toll-free telephone. The invitation can be forwarded to any person who wants to appear for the hearing.
  - ii. If specific Zoom hearing information is not included on the Notice of Hearing, counsel shall be responsible for advising their clients and any potential witnesses of the Zoom hearing information.
- b. Members of the public interested in attending a remote hearing must contact the Circuit's Public Information Officer at: 561-355-4495. See Fifteenth Judicial Circuit Administrative Order 12.510 for more details.

**E. EVIDENCE**

- a. The use of documents and physical evidence in any remote evidentiary hearing requires extra efforts on the part of counsel. Prior to any evidentiary hearing, counsel must familiarize themselves with the screen sharing functions of Zoom or the remote platform in use.
- b. The parties should stipulate to the admissibility of evidence for which the admissibility is not reasonably contested.
- c. No less than 48 hours prior to each hearing, the parties must exchange all proposed exhibits which they intend to reference during the hearing, by email in .pdf format. Each proposed exhibit must be pre-marked for identification purposes numerically. Exhibits should include any items which might be used for impeachment or other testamentary purposes.
- d. The pre-marked .pdf exhibits are to be emailed to the divisional JA at the same time as to the other parties.
- e. A party seeking to present any non-documentary physical evidence (guns, drugs, etc.) shall make efforts to present such evidence through photographs or video. If there is an issue in doing so, the party must raise the issue via an Objection to a Remote Hearing.
- f. At the time of any evidentiary hearing, please have all potential evidence (documents, images and videos) you wish the Court to consider open and

accessible for sharing. Evidence should be stored in a folder on your desktop or somewhere else on your computer where you can easily access them.

- g. Please have all relevant documents open at the time you plan to share them.
- h. If you have multiple documents to share, choose “Share Screen” not “Share Application” by holding down the Alt key (Command key on Mac) next to the spacebar and use the Tab key to toggle through your screens and select the screen you would like to share.
- i. The Clerk’s Office still requires hard copies of all exhibits. If the documents comprising your exhibits exceed 25 pages, then you must submit hard copies of the documents to divisional JA by mail no less than 48 hours after the hearing.

**F. INCARCERATED PARTIES**

- a. If appearance of an incarcerated party is necessary, counsel for the incarcerated party is to coordinate with the facility housing the client and arrange for remote Zoom appearance. If the facility housing the incarcerated party has the capability, appearance is to be via Zoom video; otherwise, appearance may be via Zoom telephone.
- b. After a hearing date and time have been confirmed with the divisional JA, counsel for the incarcerated party is to submit a proposed Order Re: Remote Appearance, with specific Zoom information for the hearing, to the divisional JA. This is in lieu of an order to transport.
- c. If transport is deemed to be required, counsel for the incarcerated party must raise the issue via an Objection to a Remote Hearing.
- d. Attorneys are responsible for relaying information to their clients and will notify the Court of their client’s desire to participate or not to participate in the matter.
- e. If an incarcerated party is not represented, opposing counsel must advise the divisional JA within 24 hours of learning of the incarceration for purposes of arranging remote appearance or transport.

**G. EMERGENCY MOTIONS**

- a. Upon the filing of an emergency motion (as defined by Administrative Order 5.203), please contact the divisional JA and copy all parties. At that time, the Court will consider whether the matter is an emergency, and will move forward accordingly.
- b. Emergency matters will be heard remotely unless the filing party raises an Objection to Remote Hearing, in writing, that is granted by the Court.

## **H. SPECIALTY COURTS**

- a. All specialty court dockets and staffings will be conducted remotely at the previously scheduled times.

## **I. PHASE 1 DEPENDENCY PROCEDURES**

### **A. DEPENDENCY DOCKET MATTERS**

Counsel and parties are expected to appear remotely via the Zoom platform for the dependency docket. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS WITH ACCESSING THE ZOOM APPLICATION.** Counsel and parties are expected to appear via video unless there is a technological impediment to doing so. Any individual required to give sworn testimony shall appear via video.

#### **1. ARRAIGNMENTS**

- a. **Consents:** If a parent will CONSENT to adjudication of dependency:
  1. No appearance is necessary if a CONSENT signed by the parent and notarized is submitted to the divisional JA and filed prior to the arraignment court date. All parties are to be included on any communications with the divisional JA.
  2. The CONSENT must include the standard consent language, including that the consent is given freely and voluntarily, and must state that the parent has conferred with counsel.
- b. **Denials:** If a parent will enter a DENIAL to adjudication of dependency:
  1. Remote appearance will be required.
  2. All parties are to be prepared to set the matter for adjudicatory hearing.
- c. **Resets:**
  1. Arraignments remain set on the Court's calendar for a remote hearing unless the Court enters a written order resetting the hearing prior to the arraignment court date.

## 2. CASE PLAN APPROVALS/DISPOSITIONS

- a. **Case Plans:** The Department shall clearly state all proposed tasks in a written case plan.
- b. **Agreed Case Plans:** If all parties agree on a case plan, no appearance is necessary if there is a case plan signed by all parties filed and submitted to the divisional JA prior to the case plan approval court date. All parties are to be included on any communications with the divisional JA.
  1. Signatures are not required to be on the same physical document. Each party can submit copies of the same document with their signatures.
  2. A proposed Agreed Order for Case Plan Approval must be submitted to the divisional JA within one week of the original case plan approval court date.
  3. DCF is responsible to ensure that a copy of the agreed case plan, in the parent's native language, has been provided to the parent.
- c. **Objections to Case Plans:** If any party does not agree with the Case Plan proposed by DCF, then the party should file written Objections specifying which tasks or other issues are in dispute, and the basis for the objections.
  1. The party filing the Objection is to submit a copy of the Objection to the divisional JA and contact the divisional JA with information as to the amount of time required for the Court to receive evidence and resolve the issues in dispute. The Court will then set a remote hearing on the matter. All parties are to be included on any communications with the divisional JA.
  2. If the Objection is filed prior to the case plan approval hearing date, and a date has been set for the Objection hearing, then no appearance is necessary.
  3. If the Objection is not filed prior to the case plan approval hearing date, then remote appearance at the case plan approval hearing is required.
- d. **Resets:** If the parties agree that additional time is needed for consultation, mediation or ongoing negotiation, no appearance is necessary if a proposed Agreed Order Resetting Case Plan

Approval Hearing and Notice of Hearing is submitted to the divisional JA by 3:00 p.m. the day prior to the court date. All parties are to be included on any communications with the divisional JA.

1. The proposed order must include:
  - a. that there is agreement to reset the case plan approval hearing and the agreed reset date, time, and place (remote and/or physical location) previously approved by the divisional JA;
  - b. that each parent's counsel has notified his/her client of the reset date, and that the parent has been advised that a failure to attend the reset date may be considered their refusal to sign the case plan, and that the Court may approve the case plan without their consent.
2. If there is no agreement to reset, there will be hearing with remote appearance by all counsel and parties.

### **3. DILIGENT SEARCHES**

- a. No appearance is necessary if a proposed Agreed Order is filed and submitted to the divisional JA prior to the court date. All parties are to be included on any communications with the divisional JA.
- b. If there is no agreement and a Motion has been filed, Objections are to be made in writing within 10 days of the Motion, Reply in writing within 5 days. The party objecting to the Motion is to contact the divisional JA to set the matter for remote hearing.

### **4. STATUS CONFERENCES**

- a. At least 48 hours prior to the scheduled hearing, any party with information regarding the matter at issue is to file a status report with the Court and submit a copy to the divisional JA. All parties are to be included on any communications with the divisional JA.
- b. If the parties agree that no hearing is needed, a Notice of Cancellation of the hearing may be filed.
- c. If the parties do not agree that the matter is resolved, then remote appearance at the status conference hearing by all counsel, parties, and necessary witnesses is required.

## **5. PERMANENT COMMITMENT ADVISORY HEARINGS**

- a. Remote appearance is required for all parties, including parents, unless approved by the Court.
- b. If there are issues with remote appearance for parents, then at least 48 hours prior to the PCA date, parent attorneys are to file a motion advising the Court and parties of the specific issues and present appearance alternatives in keeping with directives of the Florida Supreme Court, the Fifteenth Judicial Circuit, and federal, state and local government advisories regarding COVID-19. **FAILURE TO DO SO COUPLED WITH FAILURE TO APPEAR VIA REMOTE APPEARANCE AT THE PCA HEARING MAY BE DEEMED A CONSTRUCTIVE CONSENT TO THE PERMANENT TERMINATION OF PARENTAL RIGHTS.**
- c. **Resets:** If parents have not been served, at least 24 hours prior to the scheduled hearing DCF may contact the divisional JA for a reset PCA date. After receiving the reset date, DCF may file a Notice of Reset PCA date cancelling the original hearing.

## **B. CHAPTER 39 INJUNCTIONS**

- a. Remote appearance is required for all parties, including Respondents, unless approved by the Court. DCF is to advise Respondent of remote appearance procedures and remote hearing information. If Respondent is also a party in an ongoing dependency matter, DCF is also to advise the Respondent's attorney of the remote appearance information.
- b. If there are issues with remote appearance for Respondents, then at least 48 hours prior to the Injunction hearing date, DCF and/or the Respondent is to file a motion advising the Court and parties of the specific issues and present appearance alternatives in keeping with directives of the Florida Supreme Court, the Fifteenth Judicial Circuit, and federal, state and local government advisories regarding COVID-19.
- c. Hearings are to be conducted utilizing the general Remote Hearing Procedures detailed within.
- d. **Resets:** If a Respondent has not been served, at least 24 hours prior to the scheduled hearing DCF may contact the divisional JA for a reset Injunction Hearing date. After receiving the reset date, DCF must file a Notice of Reset Injunction Hearing date cancelling the original hearing

and, if appropriate, a proposed order continuing any temporary injunction previously ordered.

C. **JUDICIAL REVIEWS/PERMANENCY HEARINGS/INDEPENDENT LIVING REVIEWS**

- a. Remote appearance is required for all parties.
- b. Hearings are to be conducted utilizing the general Remote Hearing Procedures detailed within.
- c. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS AND ANY POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.**

D. **MOTIONS**

- a. If the parties are in agreement, counsel may submit a proposed Agreed Order to the divisional JA. All parties are to be included on any communications with the divisional JA.
- b. Upon the filing of a contested Motion, the filing party shall contact the divisional JA so that the matter can be set for a hearing. All parties are to be included on any communications with the divisional JA.
  - i. The parties shall advise the divisional JA of how long the motion hearing is expected to last and any other issues potentially impacting Court time.
  - ii. After a date has been confirmed with the divisional JA, the filing party shall file a Notice of Hearing. The Notice shall include an affirmation that the parties have made a good faith effort to narrow and resolve the issues prior to setting it for hearing. The Notice shall also include the date, time and remote hearing information.
- c. All motion hearings shall be conducted remotely as long as the Court remains in Phase I as defined by the Florida Supreme Court and the Fifteenth Judicial Circuit.
  - i. If any party objects to a motion hearing proceeding remotely, within 72 hours of the hearing being set, the party shall file an Objection to Remote Hearing, in writing. The Objection shall note 1) how the remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or 2) how remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in the 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.

- ii. Upon the filing of an Objection, the filer must contact the divisional JA to set down a hearing date for the Objection. All parties are to be included on any communications with the divisional JA.
  - iii. All parties must file a Response to the Objection within 48 hours of the filing of the Objection.
  - iv. In the event the Court grants the Objection, the matter shall be reset for such time as the Court can conduct matters in person.
- d. Counsel and parties shall arrange to appear remotely via the Zoom platform for all motion hearings. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS AND ANY POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.** Counsel, parties and witnesses shall appear via video for adjudicatory hearings unless an Objection to Remote Hearing has been granted, or the parties stipulate to telephonic appearance.
- e. Hearings are to be conducted utilizing the General Remote Hearing Procedures detailed within.
- f. **Resets or Cancellations:** If the parties are able to resolve a matter without a hearing, the filing party shall file a Notice of Cancellation and email the divisional JA as soon as possible so that calendar time can be freed up on the divisional calendar. If the parties agree that a matter needs to be reset, the filing party shall file a proposed Agreed Order Resetting Motion and Notice of Hearing, with a new date and time confirmed by the divisional JA. All parties are to be included on any communications with the divisional JA.

#### **E. ADJUDICATORY HEARINGS – DEPENDENCY**

- a. All adjudicatory hearings for dependency shall be set for hearing at the time a denial is entered by a parent, or at such other time as the Court deems appropriate. At that time, the parties shall be prepared to advise the Court of how long the adjudicatory hearing is expected to last and any other issues potentially impacting Court time. At the time the Court sets the adjudicatory hearing, the Court shall also set a schedule for the filing of witness and exhibit lists, motions, responses, replies, business and judicial notice records, joint case briefs, and a pretrial hearing date.

- b. All adjudicatory hearings for dependency shall be conducted remotely as long as the Court remains in Phase I as defined by the Florida Supreme Court and the Fifteenth Judicial Circuit.
  - i. If any party objects to an adjudicatory hearing proceeding remotely, within 72 hours of the adjudicatory hearing being set, the party shall file an Objection to Remote Hearing, in writing. The Objection shall note 1) how the remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or 2) how remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in the 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.
  - ii. Upon the filing of an Objection to a Remote Hearing, the filer must contact the divisional JA to set down a hearing date for the Objection. All parties are to be included on any communications with the divisional JA.
  - iii. All parties must file a Response to the Objection within 48 hours of the filing of the Objection.
  - iv. In the event the Court grants the Objection, the matter shall be reset for such time as the Court can conduct hearings in person.
- c. Counsel and parties shall arrange to appear remotely via the Zoom platform for all adjudicatory hearings. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS AND ANY POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.** Counsel, parties and witnesses shall appear via video for adjudicatory hearings unless an Objection to Remote Hearing has been granted, or the parties stipulate to telephonic appearance.
- d. Hearings are to be conducted utilizing the general Remote Hearing Procedures detailed within.
- e. **Cancellations:** If the parties are able to resolve the dependency matter without a hearing, the filing party shall file a Notice of Cancellation and email the divisional JA as soon as possible so that calendar time can be freed up on the divisional calendar. All parties are to be included on any communications with the divisional JA.
- f. **Resets:** If the parties agree that a matter needs to be reset, or if any party requests a reset, the parties shall email the divisional JA to confirm a time

on the Court's dependency docket for the Court to consider the reset. The parents must attend the reset hearing. All parties are to be included on any communications with the divisional JA.

**F. ADJUDICATORY HEARINGS – TERMINATION OF PARENTAL RIGHTS**

- a. All adjudicatory hearings for termination of parental rights shall be set for hearing at the time a denial is entered by a parent, or at such other time as the Court deems appropriate. At that time, the parties shall be prepared to advise the Court of how long the adjudicatory hearing is expected to last and any other issues potentially impacting Court time. At the time the Court sets the adjudicatory hearing, the Court shall also set a schedule for the filing of witness and exhibit lists, motions, responses, replies, business and judicial notice records, joint case briefs, and a pretrial hearing date.
- b. All adjudicatory hearings for termination of parental rights shall be conducted remotely as long as the Court remains in Phase I as defined by the Florida Supreme Court and the Fifteenth Judicial Circuit.
  - i. If any party objects to an adjudicatory hearing proceeding remotely, within 72 hours of the adjudicatory hearing being set, the party shall file an Objection to Remote Hearing, in writing.
  - ii. Upon the filing of an Objection to a Remote Hearing, the filer must contact the divisional JA to set down a hearing date for the Objection. All parties are to be included on any communications with the divisional JA.
  - iii. All parties must file a Response to the Objection within 48 hours of the filing of the Objection.
  - iv. In the event the Court grants the Objection, the matter shall be reset for such time as the Court can conduct hearings in person.
- c. Counsel and parties shall arrange to appear remotely via the Zoom platform for all adjudicatory hearings. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS AND ANY POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.** Counsel, parties and witnesses shall appear via video for adjudicatory hearings unless an Objection to Remote Hearing has been granted, or the parties stipulate to telephonic appearance.
- d. Hearings are to be conducted utilizing the general Remote Hearing Procedures detailed within.
- e. **Cancellations:** If the parties are able to resolve the TPR matter without a hearing, the filing party shall file a Notice of Cancellation and email the

divisional JA as soon as possible so that calendar time can be freed up on the divisional calendar. All parties are to be included on any communications with the divisional JA.

- f. **Resets:** If the parties agree that a matter needs to be reset, or if any party requests a reset, the parties shall email the divisional JA to confirm a time on the Court's dependency docket for the Court to consider the reset. **THE PARENTS MUST ATTEND THE RESET HEARING.** All parties are to be included on any communications with the divisional JA.

## **II. PHASE 1 DELINQUENCY PROCEDURES**

### **A. DELINQUENCY DOCKET MATTERS**

Counsel, youth and parents are expected to appear remotely via the Zoom platform for the dependency docket. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS WITH ACCESSING THE ZOOM APPLICATION.** Counsel and parties are expected to appear via video unless there is a technological impediment to doing so. Any individual required to give sworn testimony shall appear via video.

If any youth or parent does not have access to a private telephone or computer, they may appear for the docket via telephone using the telephones available at the Main, South County, and Belle Glade courthouses.

#### **1. ARRAIGNMENTS**

##### **a. Waivers of Arraignment:**

- i. Upon appointment, counsel may file a Waiver of Arraignment, in accord with Rule of Juv. Proc. 8.070(b), on behalf of a youth.
  1. The Waiver must include a Notice of Cancellation of the Arraignment hearing.
  2. The Waiver must also include Notice of a Calendar Call hearing, complete with date, time, and location (remote and physical location). The date and time are to be confirmed with the divisional JA, and must be agreed upon by counsel for the youth and counsel for the State.
  3. The Waiver must note that defense counsel is to notice the child for the calendar call date. Notice must include remote appearance information, including specific Zoom hearing information.
  4. The Waiver must also include the child's detention status, including the expiration of any twenty-one (21) day detention period.

b. **Arraignment Hearing:**

- i. If counsel for the youth determines that an arraignment hearing is necessary, the hearing shall be held remotely unless an Objection to Remote Hearing is filed, in writing, and granted by the Court.
- ii. Counsel for the youth is responsible for ensuring that the youth receives specific Zoom hearing information. If a youth has technological impediments to Zoom appearance, counsel is to advise the child of the telephones available at the courthouse.

2. **PLEAS**

- a. Pleas hearings are expected to be held remotely pursuant to the Plea Protocol previously issued by the Juvenile Divisions.

3. **DISPOSITIONS**

- a. Disposition hearings shall be held remotely as long as the Court remains in Phase I as defined by the Florida Supreme Court and the Fifteenth Judicial Circuit.
- b. If any party objects to a disposition hearing proceeding remotely, within 72 hours of the hearing being set, the party shall file an Objection to Remote Hearing, in writing. The Objection shall note 1) how the remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or 2) how remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in the 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.
  - i. Upon the filing of an Objection, the filer must contact the divisional JA to set down a hearing date for the Objection. All parties are to be included on any communications with the divisional JA.
  - ii. All parties must file a Response to the Objection within 48 hours of the filing of the Objection.
  - iii. In the event the Court grants the Objection, the matter shall be reset for such time as the Court can conduct matters in person.
- c. Counsel and parties shall arrange to appear remotely via the Zoom platform for all disposition hearings. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM**

**INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS AND ANY POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.** Counsel, parties and witnesses shall appear via video for disposition hearings unless an Objection to Remote Hearing has been granted, or the parties stipulate to telephonic appearance.

- d. Hearings are to be conducted utilizing the General Remote Hearing Procedures detailed within.
- e. **Resets:** If the parties agree that a disposition hearing should be reset, the requesting party is to file a Notice Resetting Hearing. The Notice must include the date, time and location (remote and physical location) of the reset hearing. The date and time are to be confirmed with the divisional JA, and must be agreed upon by counsel for the youth and counsel for the State.
  - i. The Notice must note that defense counsel is to notice the child for the new hearing date. Notice must include remote appearance information, including specific Zoom hearing information. The Notice must also include the child's detention status, including the expiration of any fifteen (15) day detention period.

#### **4. OTHER DELINQUENCY DOCKET HEARINGS**

- a. Other delinquency docket hearings include, but are not limited to: Calendar calls, Detention Reviews, Judicial Reviews, Competency Hearings, Status Conferences, and Violations of Probation.
- b. All other delinquency docket hearings shall be held remotely as long as the Court remains in Phase I unless an Objection to Remote Hearing is filed, in writing, and granted by the Court.
- c. Counsel for the youth is responsible for ensuring that the youth receives specific Zoom hearing information. If a youth has technological impediments to Zoom appearance, counsel is to advise the child of the telephones available at the courthouse.
- d. **Resets:** If the parties agree that a matter should be reset, the requesting party is to file a Notice Resetting Hearing. The Notice must include the date, time and location (remote and physical location) of the reset hearing. The date and time are to be confirmed with the divisional JA, and must be agreed upon by counsel for the youth and counsel for the State.
  - i. The Notice must note that defense counsel is to notice the child for the new hearing date. Notice must include remote

appearance information, including specific Zoom hearing information. The Notice must also include the child's detention status, including the expiration of any twenty-one (21) day detention period.

**G. DELINQUENCY MOTION HEARINGS**

- a. If the parties are in agreement, counsel may submit a proposed Agreed Order to the divisional JA. All parties are to be included on any communications with the divisional JA.
- b. Upon the filing of a contested Motion, the filing party shall contact the divisional JA so that the matter can be set for a hearing. All parties are to be included on any communications with the divisional JA.
  - i. The parties shall advise the divisional JA of how long the motion hearing is expected to last and any other issues potentially impacting Court time.
  - ii. After a date has been confirmed with the divisional JA, the filing party shall file a Notice of Hearing. The Notice shall include an affirmation that the parties have made a good faith effort to narrow and resolve the issues prior to setting it for hearing. The Notice shall also include the date, time and remote hearing information.
- c. All motion hearings shall be conducted remotely as long as the Court remains in Phase I as defined by the Florida Supreme Court and the Fifteenth Judicial Circuit.
  - i. If any party objects to a motion hearing proceeding remotely, within 72 hours of the hearing being set, the party shall file an Objection to Remote Hearing, in writing. The Objection shall note 1) how the remote conduct of the proceeding is inconsistent with the United States or Florida Constitution, a statute, or a rule of court that has not been suspended by administrative order; or 2) how remote conduct of the proceeding would be infeasible because the court, the clerk, or other participant in the 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.
  - ii. Upon the filing of an Objection, the filer must contact the divisional JA to set down a hearing date for the Objection. All parties are to be included on any communications with the divisional JA.

- iii. All parties must file a Response to the Objection within 48 hours of the filing of the Objection.
  - iv. In the event the Court grants the Objection, the matter shall be reset for such time as the Court can conduct matters in person.
- d. Counsel and parties shall arrange to appear remotely via the Zoom platform for all motion hearings. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS AND ANY POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.** Counsel, parties and witnesses shall appear via video for motion hearings unless an Objection to Remote Hearing has been granted, or the parties stipulate to telephonic appearance.
- e. Hearings are to be conducted utilizing the General Remote Hearing Procedures detailed within.
- f. **Cancellations:** If the parties are able to resolve a matter without a hearing, the filing party shall file a Notice of Cancellation and email the divisional JA as soon as possible so that calendar time can be freed up on the divisional calendar.
- g. **Resets:** If the parties agree that a matter needs to be reset, the filing party shall file a proposed Agreed Order Resetting Motion and Notice of Hearing, with a new date and time confirmed by the divisional JA. All parties are to be included on any communications with the divisional JA.
- i. The Notice must note that defense counsel is to notice the child for the new hearing date. Notice must include remote appearance information, including specific Zoom hearing information. The Notice must also include the child's detention status, including the expiration of any twenty-one (21) day detention period.

#### **H. DELINQUENCY ADJUDICATORY HEARINGS (TRIALS)**

- a. All adjudicatory hearings for juvenile delinquency matters (trials) shall be set for hearing at Calendar Call for the youth, or at such other time as the Court deems appropriate. At that time, the parties shall be prepared to advise the Court of how long the adjudicatory hearing is expected to last and any other issues potentially impacting Court time. At the time the Court sets the adjudicatory hearing, the Court shall also set a schedule for the filing of witness and exhibit lists, motions, responses, replies, business and judicial notice records, and, if necessary, a pretrial hearing date.

- b. All delinquency adjudicatory hearings shall be conducted remotely as long as the Court remains in Phase I as defined by the Florida Supreme Court and the Fifteenth Judicial Circuit.
  - i. If any party objects to an adjudicatory hearing proceeding remotely, within 72 hours of the adjudicatory hearing being set, the party shall file an Objection to Remote Hearing, in writing.
  - ii. Upon the filing of an Objection to a Remote Hearing, the filer must contact the divisional JA to set down a hearing date for the Objection. All parties are to be included on any communications with the divisional JA.
  - iii. The opposing party must file a Response to the Objection within 48 hours of the filing of the Objection.
  - iv. In the event the Court grants the Objection, the matter shall be reset for such time as the Court can conduct hearings in person.
- c. Counsel and parties shall arrange to appear remotely via the Zoom platform for all adjudicatory hearings. **ATTORNEYS ARE RESPONSIBLE FOR NOTICING THEIR CLIENTS WITH THE ZOOM INFORMATION FOR THEIR HEARINGS, AND FOR ASSISTING THEIR CLIENTS AND ANY POTENTIAL WITNESSES WITH ACCESSING THE ZOOM APPLICATION.** Counsel, parties and witnesses shall appear via video for adjudicatory hearings unless an Objection to Remote Hearing has been granted, or the parties stipulate to telephonic appearance.
- d. Hearings are to be conducted utilizing the general Remote Hearing Procedures detailed within.
- e. **Cancellations:** If the parties are able to resolve the delinquency matter without a hearing, the filing party shall file a Notice of Cancellation and email the divisional JA as soon as possible so that calendar time can be freed up on the divisional calendar. All parties are to be included on any communications with the divisional JA.
- f. **Resets:** If the parties agree that a matter needs to be reset, or if any party requests a reset, the parties shall email the divisional JA to confirm a time on the Court's delinquency docket for the Court to consider the reset. All parties are to be included on any communications with the divisional JA.
  - i. The Notice must note that defense counsel is to notice the child for the new hearing date. Notice must include remote appearance information, including specific Zoom hearing information. The Notice must also include the child's detention status, including the expiration of any twenty-one (21) day detention period.