

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE AND ST. LUCIE COUNTIES
STATE OF FLORIDA

ADMINISTRATIVE ORDER 2021-02

**RE: LIMITATIONS ON THE NUMBER OF INTERVIEWS OF ABUSE VICTIMS
 UNDER AGE 16 OR PERSONS WITH A DEVELOPMENTAL DISABILITY**

(Supersedes and revokes Administrative Order 85-1)

WHEREAS, in order to protect against psychological damage caused by repeated interrogations, Section 914.16, Florida Statutes, requires the chief judge of each judicial circuit to order reasonable limits on the number of interviews victims of enumerated statutes must submit to for law enforcement or discovery purposes.

THEREFORE, pursuant to the authority conferred on the Chief Judge by Florida Rule of Judicial Administration Rule 2.215, it is

ORDERED as follows:

1. **Scope:** This order shall apply to the investigation and prosecution of all cases of abuse under sections 794.011, 800.04, 827.03 or 847.0135(5), Florida Statutes, when the victim is under sixteen (16) years of age or a victim of a violation of sections 794.011, 800.02, 800.03, or 825.102, Florida Statutes, who is a person with an intellectual disability as defined in section 393.063, Florida Statutes, at the time the interviews are sought.

2. **Definitions:** For purposes of this order the term “victim” refers to any person who is suspected of or alleged to have been the victim of an act proscribed in the above enumerated statutes. The term “interview” is defined as any procedure in which the victim is required or requested to provide a detailed factual account or demonstration of the circumstances surrounding the allegation of abuse. The term “interview” does not include the following:
 - A. Information obtained for the purpose of medical or psychological diagnosis or treatment.

 - B. An initial, cursory contact with the victim by law enforcement and/or Florida Department of Children and Families (DCF) to assess the validity of complaint or the need to take protective measures on behalf of the victim.

C. Contacts with DCF legal, victim services, (sexual assault/domestic violence) counselors, guardians ad litem, or assistant state attorneys seeking to carry out responsibilities as designated by statute.

D. Activity generally considered as “deposition, trial or hearing preparation” when the attorney prosecuting the criminal, delinquency or dependency case meets with the victim to advise the victim of the deposition, trial or pre-trial court hearing procedures and informs the victim of questions that will be asked during the deposition or court proceeding.

E. The questioning and testimony of the victim during a court proceeding.

F. Any initial contact by an agent or employee of the school system with the victim.

3. Interview limitations: In accord with the foregoing and with the intent of minimizing the negative effects of multiple interviews on victims, such interviews shall be governed by the following:

A. All interviews shall be conducted in a setting and manner designed to minimize the traumatic effects of the interview on the victim.

B. One investigative interview may be conducted for the purposes of criminal, delinquency and/or dependency proceedings. All agencies involved in the investigation of the above enumerated statutes, including law enforcement, DCF, State Attorney’s Office (SAO), and the Child Protection Team (CPT), shall attempt to coordinate their efforts to facilitate this provision, so that only one investigative interview is conducted regardless of whether the investigation is for dependency, delinquency or criminal proceedings, or both. During the pre-arrest investigative phase, when necessary, law enforcement may conduct additional non-duplicative interviews to follow up, clarify or expand on developments in the investigation. All efforts shall be made to limit the number of persons interviewing the victim to no more than two. Whenever possible, the interview should be videotaped or recorded to ensure that other parties have the opportunity to see and hear the victim’s statement.

C. A second interview (“state attorney hearing”) may be conducted by the SAO to clarify and/or expand the factual basis necessary to make a determination as to whether charges or a petition should be filed.

D. A third interview may be conducted under the rules governing depositions. When a victim is a victim both in a criminal or delinquency case and is also a victim

in a dependency case arising out of the same incident, and the lawyers are aware that both case are pending, if the circumstances permit, the representative(s) of the person(s) alleged to be responsible for the abuse shall conduct a joint deposition of the victim. In accordance with the aforementioned rules, depositions shall be videotaped.

E. Additional interviews shall be allowed only by order of the court upon motion for good cause shown. Additional interviews shall be limited in scope to assure minimal impact on the victim.

F. Nothing contained in this order shall prevent the trial court from modifying the number, scope or manner of interviews allowed by this order upon motion of any interested party and a showing of good cause, or from modifying discovery depositions pursuant to the applicable provisions of the rules of Civil, Criminal or Juvenile Procedure.

4. Interpretation: All questions involving the interpretation and application of this Order shall be addressed to the trial judge presiding over the case.

Administrative Order 85-1 is hereby revoked and superseded.

DONE and ORDERED this 9th day of February, 2021 at Stuart in Martin County, Florida.



LAWRENCE MIRMAN
CHIEF JUDGE