

DELINQUENCY COURT PROCEDURES

Michael J. Linn, Circuit Judge
Courtroom 8, Indian River County Courthouse
Alicia Mittwede, Judicial Assistant: MittwedeA@circuit19.org
Circuit 19 Website: www.circuit19.org. *Click on Judge Linn's page*
Juvenile Clerks' Office: (772) 226-3128
E-Service Address for Documents: IRCJudge5@circuit19.org

DETENTION HEARINGS:

Are scheduled at 8:45 a.m. each day in Courtroom 8, unless otherwise notified/posted. A copy of the detention paperwork must be e-mailed directly to Judge Linn at: IRCJudge5@circuit19.org.

It is the responsibility of the DJJ Court liaison to ensure that the Court has the original detention packet(s) for any juvenile that is not transported from the detention center. When requesting an “add on” detention hearing, it is the responsibility of the requesting party to notify all interested persons of the hearing date and time.

IN-COURT PROCEDURES:

Everyone will be expected to treat others as they would like to be treated. Disrespectful and discourteous behavior will not be tolerated under any circumstance.

CELL PHONES AND ELECTRONIC DEVICES:

Please keep all cell phones and electronic devices on silent or vibrate. Anyone who violates this rule can have their device confiscated until the close of business.

DRESS CODE:

Anyone present in the courtroom will dress in a manner that shows respect to our Judicial System. Shirts will be tucked in. Pants will be worn at an appropriate height. Dresses will be at an appropriate length. Tops will be modest. No shorts. No tank tops. No hats. No sunglasses. No flip-flops or sliders. Anyone violating this rule will have their case set at the end of the day, be ordered to sit out in the hallway, and will not be allowed to leave the courthouse.

ATTORNEYS:

All attorneys will be expected to conduct themselves in accordance with the Standards of Professionalism outlined in Amended Administrative Order 2015-06.

EVIDENCE AND PROCEDURE:

All exhibits, whether demonstrative or evidentiary, must be pre-marked by the clerk with the appropriate numeric or alpha character in the intended order of introduction at the hearing/trial. Counsel shall also present all exhibits for objection or stipulation to all other parties before the commencement of any trial or hearing at which they will be utilized.

CLERKS:

Please be respectful of the clerks and allow them to do their job. The court clerks are not the personal support staff for counsel appearing in the division. All attorneys are expected to come to court with sufficient copies for all parties, counsel, and the court. No copies will be made while court is in session. When court is in session, DO NOT approach the clerk without the Court's permission. You are no longer able to file documents in court. All documents must be e-filed prior to the day of the hearing unless there are extraordinary circumstances.

COURT DEPUTIES:

Please be respectful of the court deputies and allow them to do their job. Any directive given by the deputies shall be treated as if it were directed from the Court.

INTERPRETERS:

Counsel shall notify the clerk of the need for an interpreter for any party or witness at least 48 hours in advance of any court proceeding. Should there be a need for any unique language interpreter for a scheduled hearing or trial, counsel shall notify the clerk at least one week prior to the scheduled hearing or trial.

SCHEDULING HEARINGS:

A motion must be filed through the E-Portal BEFORE requesting a hearing date/time. Hearing dates/times shall be obtained by contacting the delinquency court clerk for the next available date/time. This includes detention reviews and restitution hearings. Any oral request made by the Department of Juvenile Justice for a detention review, or other matter shall be followed up by a written email to all interested parties of the subject matter and the date and time of the hearing. **The**

moving party is responsible for providing a copy of the motion and notice of hearing to all interested parties.

MOTIONS TO CONTINUE:

It is the responsibility of the moving party to contact opposing counsel BEFORE filing a motion to continue. The motion to continue must contain a statement as to whether or not opposing counsel objects to the requested continuance. If opposing counsel has no objection to the continuance, the moving party is responsible for obtaining from the clerk the next available date/time for the hearing to be conducted. A PDF copy of the motion, along with a proposed order (containing the new date/time if no objection) in WORD format, shall be submitted to: IRCJudge5@circuit19.org.

WAIVER OF APPEARANCE:

The attorney filing the waiver of appearance is responsible for providing his/her client with notice of the next court date.

JUDICIAL REVIEWS (JR_s)/STATUS REVIEWS (SR_s) IN LIEU OF A VIOLATION OF PROBATION (VOP):

As a general rule, this court will not conduct JR_s/SR_s in lieu of a VOP. Court approval is required before any review will be scheduled, except for termination requests for cases involving sex crimes. The date and time of all court approved review hearings shall be obtained from the clerk. If the court approves an Effective Response hearing (*i.e.*, Rule to Show Cause) requested through DJJ's Notice of Technical Violation, DJJ shall obtain from the clerk the next available hearing date/time and send notice of said hearing date/time to all parties.

FILING OF DOCUMENTS/SUBMISSION OF PROPOSED ORDERS:

- **Motions:** Must be filed through the E-Portal including our IRCJudge5@circuit19.org email on the service list. **Motions to Withdraw that are provided without an order will be set for a hearing at 8:45AM ten days from when the Motion was filed.**
- **Proposed Orders:** All **proposed orders** are to be submitted in **WORD format** to: IRCJudge5@circuit19.org. The document should be named in a searchable format. For example: short case #, **15CJ21**, Child's **last name** and short name of order, e.g. **O-Transport**. A copy of the filed motion (PDF format is acceptable) must be attached to the e-mail along with the proposed

order. ***Service Addresses: It is imperative that up-to-date mailing/e-service addresses are provided to the Court for service.*** The State Attorney, Defense Counsel, and Department of Juvenile Justice will be served via E-portal service address. **If no e-mail address is provided, it is the responsibility of the moving party to provide copies to any person without an email address listed.**

- **Subject Line of Transmittal Email:** Must contain short case # **15CJ21**, Child's last name and short name of order, e.g. **O-Transport**.
- **Pre-Disposition Reports (PDR)/TASC Evaluations/Comprehensive Evaluations:** All PDRs, TASC Evaluations, Comprehensive Evaluations, and supporting documents for disposition must be filed via the E-Portal at least two business days in advance of the disposition date.
- **Take Into Custody Orders (TICOs):** When submitting a TICO, file the affidavit/supporting document via the E-portal. E-mail a (PDF format) copy of the "filed" affidavit/supporting document, along with the proposed order in **WORD** format, to: IRCJudge5@circuit19.org. TICOs will be processed subject to the court's availability. **DO NOT file the unsigned TICO through the E-Portal.**
- **Commitment Program Reports/Counseling Progress Reports/Competency Status Reports:** Must be filed through the E-Portal, with copies provided to the court **via e-mail** to: IRCJudge5@circuit19.org. **The court will not be responsible for filing the reports through the E-Portal.**
- **Requests for Termination of Probation/Supervision:** Requests for termination of probation/supervision must be submitted to the state attorney and defense counsel for review **BEFORE** filing the request/supporting documentation through the E-Portal. DJJ, as the requesting party, must make sure that all outstanding fees and/or restitution has been addressed, if a payment plan has been established, and if the payment plan is current. **AFTER** review by the state attorney and defense counsel, submit a copy of the filed request/documentation, together with the input of the state attorney and/or defense counsel (in PDF format) by e-mail to IRCJudge5@circuit19.org, along with a proposed order (in WORD format) named with a **searchable** format. For example: **15CJ21, LAST NAME, O-TERM PROB-SUP**. DJJ shall submit the required documents to the court

for consideration with a copy of the response/input from the state attorney and/or defense counsel.

- **Waiver of Cost of Care Recovery Requests:** Must be filed through the E-portal. The requesting party must designate whether the request is for detention, probation, or commitment costs, with the starting (retroactive) date of the request. The request must contain the financial information for BOTH parents. Copies of the requests should be e-mailed to: IRCJudge5@circuit19.org. Please make sure that the Waiver of Cost Recovery Request is completely filled out before filing. *If the parent/custodian has an e-mail address, please obtain from them and fill in on the form so that this office may serve the parent/custodian with a copy of the order via e-mail.*
- **Commitment Program Release/Post-Commitment Probation Requests:** Must be filed through the E-portal. Submit a copy of the request in PDF format to: IRCJudge5@circuit19.org along with the proposed order in WORD format. The order must contain the juvenile's name, case number, and the program e-mail address. Do not file the unsigned order through the E-Portal. All juveniles being placed on post-commitment probation must appear before the court as soon as reasonably possible upon discharge from their commitment program. DJJ shall be responsible for sending out notice for post-commitment reviews after contacting the delinquency clerk to obtain the next available date and time for the review hearing. No notice shall be sent out without first obtaining the date/time from the clerk.

PLEASE DO NOT submit multiple documents as one document. Each document must be submitted as a separate and named document. **DO NOT** submit the motion and proposed order as a single document. Each document must be named using a short case number, the last name of the child, and a short name for the document. When a juvenile has multiple case numbers, the document must be filed through the E-Portal in each case number.

These procedures are subject to change. Please periodically check for any updates on the Court's website at: www.circuit19.org. Click on Judges/Magistrates, click on Judge Linn's name, click on procedures.