

ROBERT B. MEADOWS, Circuit Judge
Juvenile Dependency Court Procedural Memo

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 Courtroom 8 – Indian River County Courthouse

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Circuit 19 Website: www.circuit19.org. (Click on Judge Meadows’ page)

Juvenile Clerk’s Office: (772) 226-3100 ext. 3238

I. FORMALITIES, DEMEANOR, CONDUCT

All counsel, parties and witnesses appearing in the Juvenile Dependency Division shall observe all traditional formalities and rules of conduct established for the courtroom by long standing custom, tradition, rule, statute, and administrative order. This includes:

- A. Paying attention in the courtroom, directing your attention to the Court at all times, and promptly responding to the Court when addressed or entering an appearance. Tucked in shirts and pants pulled up.
- B. Knowing where your case appears on the docket, being aware of any adjustments to the order of call, and being in the courtroom, at counsel table with your client, and being fully prepared when your case is called.
- C. Maintaining a tone and demeanor in the courtroom that is respectful, responsive, attentive, courteous, and professional with all Court personnel, parties, witnesses, counsel and the Court.
- D. Refraining from carousing, “joking around”, or demonstrating special familiarity with the Court clerks, deputies or other Court personnel or counsel, while Court is in session.
- E. Rising to one’s feet and coming to attention when the Court takes or leaves the bench.
- F. Rising to one’s feet whenever addressing the Court, opposing counsel, parties or witnesses.
- G. Rising to ones feet for all objections and responses thereto. When making objections, make singular objections at a time and wait for the Court to rule before making another objection. **No multiple objections are to be made without giving the Court opportunity to rule.** This is to make a clear record.

- H. Addressing all comments, questions, and argument to the Court and never directly to another participant in the proceedings except during examination of a witness on the stand after obtaining leave of Court.
- I. Limiting objections to the legal basis. No speaking objections.
- J. Making all argument and establishing any important facts for the record before the Court begins its ruling.
- K. Never interrupting while the Court or opposing counsel is speaking.
- L. Remaining **silent** while the Court renders its ruling and not registering any overt displeasure, disagreement with, or dissatisfaction through any behavior, facial expression, audible or visual gesture.
- M. **Never** arguing with the Court's ruling ("exceptions" are not recognized in Florida, and "making the record" should always occur **BEFORE** the Court begins to rule, not after).
- N. Asking for leave to approach the bench, clerk or witnesses.
- O. Asking for leave to publish documents and items received in evidence.
- P. Instructing and maintaining control over counsel's clients and witnesses regarding courtroom decorum (absolutely **NO** raising of hands, speaking out of turn, shaking or nodding of heads, sighs, emotional outbursts, gestures, making facial gestures, audible reactions, and the like).
- Q. All discussions, negotiations and conversations between counsel, parties and witnesses shall take place OUTSIDE the courtroom **before entering or during a recess. NO conversations are permitted in the courtroom, unless specifically authorized by the Court upon request.**

II. **PUNCTUALITY**

Doors to the courtroom will be opened **15 minutes before the start** of any proceedings to allow counsel to get in place, organize their files, survey for the presence of clients, parties, participants and witnesses and have last minute discussions. Once the Court's deputy calls the courtroom to order, the Court will not indulge requests from counsel for time to locate documents, review their file, call the office, consult with counsel, parties or witnesses, or to leave the courtroom to determine whether some needed person is present.

All counsel shall arrive on time and be in place, inside the courtroom, for any matter scheduled before the Court which involves them.

Regularly appearing counsel (DCF, RCC, GAL, and Appointed Counsel) shall arrive and be in the courtroom 15 minutes before the first matter in which they are to appear

for both the morning and afternoon dockets. They shall use that time to consult with their clients, organize their counsel table, files, and documents.

In the event of an unforeseeable circumstance that will cause counsel to be delayed (e.g. personal or family emergency, appearance on another matter in another Court that runs long, traffic accident, etc.), it is counsel's responsibility to notify the Court's J.A., (hogyac@circuit19.org) and the Court's clerk (772) 226-3100 ext. 3238, of the unforeseeable circumstance **BEFORE** the time scheduled for that matter.

Requests for telephonic/ZOOM appearances must be made at least one week BEFORE the scheduled appearance, indicating the agreement of all other counsel and detailing the arrangements that have been made with the Court's J.A. and absent the J.A., the clerk. In general, the Court will make every effort to accommodate any counsel's request to appear telephonically/via ZOOM if the requesting counsel provides adequate notice to the Court so the proceedings are not delayed or interrupted. Emergency telephonic/ZOOM appearance on a case by case basis. **THIS DOES NOT INCLUDE TRIALS.**

The Court will call each docketed matter one time only. If any counsel is not in place, at **counsel's table**, and prepared to proceed when that matter is called, will be passed to the end of the docket for the day, time permitting, or rescheduled without consideration for the convenience of the absent or unprepared counsel. Any resulting delay will be charged to the offending counsel/party. Repeated violations of the Court's rule on punctuality will subject the offending counsel/party to sanctions.

III. THE ORDER OF APPEARANCES

The order of appearances for all matters before the Court shall be as follows:

1. Counsel for the State
2. Department Case Worker
3. Child Protective Investigator
4. Department Case Supervisor
5. Adoption/Independent Living Specialist
6. Counsel for the Guardian Ad Litem for the Child(ren)
7. Guardian Ad Litem for the Child(ren)
8. Attorney Ad Litem for the Child(ren)
9. Counsel for the Mother
10. Mother
11. Counsel for the Father
12. Father

IF ANY OF THE ABOVE ARE NOT PRESENT WHEN THE CASE IS CALLED, THE COURT MAY PASS THAT CASE TO THE END OF THE DOCKET FOR THE DAY OR PROCEED IN THE MATTER WITHOUT THEIR PRESENCE AT THE COURT'S DISCRETION.

IV. PRIVATE COUNSEL

All private counsel shall check in with the clerk upon their arrival in the courtroom and advise what case they are present for and whether that case requires an interpreter and for whom such interpreter is required.

V. PLEADINGS, MOTION AND ORDERS

All motions shall be in writing. Every motion shall: **1)** be specifically titled identifying the moving party, the sequence of the motion, and the nature of the motion (e.g. Father Smith's Motion for Change Of Placement), **2)** cite the rule(s) of evidence, procedure or statute that authorizes the motion, **3)** detail the case specific facts and circumstances that support the motion, **4)** state the specific relief requested, **5)** Certify that movant has made a **good faith effort to resolve this matter without necessity of hearing**, **6)** **state the amount of time requested for a hearing on the motion.**

The proponent of any motion shall serve on all other parties a copy of the motion together with a proposed order on that motion at least three business days before the hearing on the motion.

All proposed orders **shall: 1)** be specifically titled identifying the moving party, the sequence of the motion, nature of the motion, and whether the order grants or denies the relief sought (e.g. "Order Granting/Denying Father Smith's First/Second Motion to Continue"), **2)** state with particularity all considerations required by rule or statute, **3)** detail the proposed specific findings of the Court as to each consideration, **4)** detail specific relief ordered, **5)** indicate whether the relief requested was granted or denied; and **6)** not contain any language stating the Court's order was granted or denied over a party's objection.

Counsel shall proofread both the motion and proposed order to avoid any unnecessary delay.

Submit all proposed orders via e-mail to hogyac@circiut19.org in **WORD** format along with a copy of the filed motion (pdf format **for motions** is acceptable). **Do not** send motions and proposed orders as one document. When submitting multiple documents to the Court, each document must be submitted as a separate document. The document must be named as something searchable, **e.g. short case #, 31 2015dp120, child's last name and short name of order, e.g. 31 2015dp120 Doe O-Transport, FJ, etc.** The Court requires e-mail subject lines contain the case number and child(ren)'s last name(s). The service list must clearly state the correct attorneys/parties with an e-service address.

Transcript: Any and ALL requests for transcription of a child's testimony/conversation with the Judge shall **require an Order to Transcribe** being submitted for review and approval.

Unopposed Motions for Continuance: Should the parties consent to a continuance an Unopposed Motion to Continue may be submit to the Court. The motion shall state the date and time of the hearing to be continued; a viable reason for the continuance; how long of a continuance is requested; and that ALL parties have been contacted and consent to the continuance. The motion along with a proposed order shall be submitted to the Judicial Assistant no later than three (3) business days prior to the hearing via e-mail at hogyac@circuit19.org.

All other unopposed motions: All motions that can be agreed upon by all parties should be reduced to writing titled “Unopposed Motion for...” and signed by all parties counsel. If the Court disagrees and/or has a question a hearing will be set, otherwise the proposed order will be signed in Chambers.

VI. CONDUCT DURING TRIAL OR HEARING

All electronic devices, cellphones, laptops, tablets, and other mobile devices, shall be turned off or placed on silent or vibrate **BEFORE** entering the courtroom. Violation of this policy will result in the confiscation of the offending device until the close of Court business for the day.

Only counsel and parties who are part of the immediate matter before the Court shall be seated at counsel table when the case is called.

When each case is called, counsel for DCF shall promptly enter their appearance on the record and identify any witnesses, caregivers, relative or others present in the courtroom related to the case called.

When each case is called, all other counsel shall promptly enter their appearance on the record an identify any witness, caregivers, relative or other interested party in the courtroom and not otherwise previously identified to the Court by counsel for the State.

Counsel shall consistently announce themselves and the party they represent for the record before addressing any comment, argument or beginning the questioning of a witness during a proceeding.

Counsel shall question all witnesses from the podium and all witnesses shall testify from the witness stand without leave of the Court.

Counsel shall not interrupt opposing counsel, parties or witnesses except to interpose an appropriate objection during oral examination. Counsel and witnesses shall direct all responses to the Court.

There will be **no** cross talk between counsel, witnesses or parties. Repeated violation of this rule during a hearing will cause the matter under consideration to be suspended and passed to the end of the docket and counsel will not be excused until all matters are heard for the day. Violation of the rule during trial will subject the offending party to appropriate sanction.

All counsel shall instruct their witnesses and participants regarding the process on

objections, the requirement to testify from present knowledge, conduct, decorum and the basic rules of the courtroom prior to their appearance in court. There will be **absolutely no**: raising of hands, nodding or shaking of heads, speaking out of turn, making facial gestures, audible reactions, and the like. Counsel will be held responsible for the conduct of their client and witnesses before the Court and **should be paying attention** to their behaviors in the courtroom.

No side conversations with witnesses or parties will be permitted during an examination of a witness or party on the stand. Any communication between counsel and a party or witness during the course of a hearing or trial shall be solely by written note between them. Counsel shall instruct all witnesses and their clients accordingly.

All counsel are to come to the courtroom with a pad and pen to facilitate communication with their client or witness during a hearing or trial.

VII. HEARINGS

Scheduling Hearings: Should you need hearing time before Judge Meadows you shall, first and foremost make certain that the motion has been filed with the Clerk's office, then you shall e-mail opposing counsel to determine how much time EVERYONE will need for the hearing. Once you have obtained that information you should forward those e-mails to the Judicial Assistant at (hogyac@circuit19.org) with your hearing request ***cc'd to ALL opposing parties in the case or your request will not be considered, indicating the Case Name and Number; what you are requesting to be heard; and how much time everyone is requesting. Please note that if the Notice of Hearing has not been e-filed within one week of the Court supplying a hearing time your hearing will be stricken and the time will be given away. *DO NOT attempt to schedule juvenile hearings using the Court's online calendar. Do not include the Court (including Judicial Assistants) in email strings concerning the scheduling of hearings.*

When requesting a hearing you **must accurately estimate** the amount of time required for the hearing. This **must** include the amount of time required for **all** parties to be heard. When the amount of time requested expires, the hearing will end for that day. If additional time is required to conclude the hearing you may schedule additional time subject to the Court's availability. The Court **will not** allow additional time beyond the amount of time requested for that date.

NOTICE OF HEARING: The Notice of Hearing must include the amount of time reserved for the hearing and that a good faith effort to resolve the issue without the necessity of a hearing has been made.

Emergency Motions: If you have a **legitimate** emergency motion, submit it to the Court via e-mail to hogyac@circuit19.org copying all parties with the e-mail. The subject line of your e-mail should contain the word "EMERGENCY." You must provide a good faith estimate of the amount of time required for the hearing after conferring with all parties. **Certify that movant has made a good faith effort to resolve this matter without necessity of hearing.**

Shelter Petitions: All shelter petitions are to be e-mailed directly to Judge Meadows with a copy to his Judicial Assistant, Carol, **no later than two (2) hours prior to Shelter time the day of the shelter hearing.** Shelter Hearings will be held at 1:15 p.m. Monday – Thursday, 9:30 a.m. on Fridays and Adoption Day Wednesdays. If a change in the shelter hearing time/courtroom is necessary you will be notified by e-mail and it will be posted on the Court’s online calendar.

Hearing time will be strictly enforced by the Court. Any motion that is not concluded by the expiration of the requested hearing time will be suspended and must be rescheduled. Accordingly, all counsel are advised to be succinct, organized, and to the point in the presentation of, or objection to, any motion.

Reports: It is not necessary to serve the Court with a copy of routine documents that are being filed through the E-Portal. Judge Meadows will view them online.

E-mail chains: DO NOT include this office in e-mail chains that do not require action by the Court. An attempt to resolve issues must be made prior to contacting the Court.

VIII. PRESENTATION OF TRIAL

Generally, counsel is encouraged to present their case according to their own professional judgment, assessments and inclinations.

However, in order to keep the record clear and unambiguous, in cases where there are more than one parent against whom allegations are pending, counsel should question each witness as to all matters concerning a specific party (including grounds, manifest best interest and least restrictive means inquiries) before moving on to questions concerning another parent or child.

Then counsel should make a clear statement of demarcation before questioning the same witness regarding another party. For example : "Good morning Ms./Mr. Smith I'd like to talk to you about Father A's relationship with X child", "Now, I'd like to talk to you about Father A's relationship with Y child.

All questions of a witness related to a particular relationship between a specific parent and a specific child should be clearly delineated on the record and all matters related to that pairing should be concluded before moving on to questions of the same witness about a different parent child relationship.

Each particular parent-child relationship to be addressed by counsel should be fully explored with each subsequent witness in the same sequence as established through counsel's first witness. Cross and redirect examination should likewise clearly delineate for the record which particular parent and which particular child is referenced.

IX. DISCOVERY

All discovery is to be provided to all parties prior to announcing ready for trial. Only “newly” discovered evidence shall be allowed after the case is set for trial. Newly

discovered evidence shall only be allowed in by stipulation of all the parties or by Order of the Court.

X. TESTIMONY

In any hearing or trial, all witnesses will testify from the witness stand. All witnesses will testify from their present knowledge of the facts. It is incumbent on counsel to adequately prepare their witnesses to offer proper testimony at hearing or trial, including reviewing their file or notes before appearing in Court.

In a proper case, counsel may refresh a witness's recollection pursuant to the rules of evidence. However, any item used to refresh must be retrieved by counsel before the witness' testimony will be permitted to continue. No witness will be permitted to read from their notes, files, books, or papers while testifying. Nor shall counsel coach or consult with a testifying witness while their testimony is ongoing. This includes during any period of recess. Counsel is not precluded; however, from consulting with or preparing a witness before that witness testifies or after that witness' testimony is ultimately concluded, including any rebuttal.

XI. EVIDENCE AND PROCEDURE

Chapter 39, Florida Statutes, The Florida Rules of Evidence and The Florida Rules of Juvenile Procedure govern all actions brought or defended in this Court. Counsel shall review and be well versed in the statute and rules before appearing in the Division.

All exhibits, whether demonstrative or evidentiary, must be pre-marked with the appropriate number or alpha character in the intended order of introduction at trial.

This will require counsel to think through the organization and order of presentation of their case in chief and to consider what, if any, items should be reserved for introduction on cross-exam or rebuttal. 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, and obtain the legible signatures of those parties not objecting on the back of the exhibit.

All evidence and exhibits that can be stipulated to and are, should be before trial.

XII. BENCH CONFERENCES

Bench conferences initiated by counsel should be kept to a minimum. When they are initiated by the Court, counsel shall immediately and promptly get up to the bench to address the matter of concern. Sauntering or strolling up to the bench is unprofessional and will not be tolerated. Discussions at the bench will be conducted in a whisper and shall be short and to the point.

XIII. PREPARATION OF ORDER AFTER HEARING OR TRIAL IN COURT

DCF shall be responsible for the preparation of all routine orders after hearing before the Court, including orders after shelter, arraignment, advisory hearing, judicial review,

permanency review, closing of the case, etc. The proponent of any non-routine motion, (e.g. change of placement, change in visitation, reunification, travel requests, medical treatment, etc.) shall prepare the proposed order relative to that motion and shall include in it all indicated statutory and rule references, the specific considerations required of the Court and the specific findings of the Court related thereto.

The attorney preparing the order is certifying, as an officer of the Court, that the proposed order contains all of the specific details and important findings of the Court's ruling (including deadlines), **contains no extraneous matters not specifically addressed by the ruling of the Court and does not incorporate any other verbiage that does not reflect an accurate recitation of the matters actually presented by the attorneys for consideration in open Court or otherwise required by law.**

DCF shall insure that sufficient personnel are available and in the courtroom to accurately prepare the routine orders at the conclusion of each hearing for their attorney's review and submission to the Court. All such routine orders should generally be submitted before the close of Court each day, and **in no event, later than 24 hours following the hearing** to which the order is addressed. In no case will the Court allow DCF to submit routine orders days after the actual hearing on the matter that took place. All proposed orders submitted to this Court **MUST** be circulated and insure there are no objections **PRIOR** to submission.

The attorney responsible for submitting such order shall certify that they have personally proofread any order they submit to the Court for signature and that such order has been reviewed for subject/verb agreement, proper tense, the correct gender references, correct names of parties and witnesses, correct dates, coherent sentence structure, punctuation, spelling, grammar, and contextual cogency. This certification shall accompany every order submitted to the Court.

XIV. CLERKS

The Court's clerks are not the personal support staff for counsel appearing in the Division. The clerks take their direction from the Court, not from counsel. Requests for the clerks' assistance shall be channeled through the Court. All counsel are expected to come to Court with sufficient copies for all parties, counsel and the Court. **NO** copies will be made during any arraignment, advisory, hearing, trial, review, disposition, or permanency proceeding. Copies may be made with the permission of the Court before or after Court or during periods of recess.

XV. COURT DEPUTIES

The Court's deputies are present for the security of the courtroom and the safety of all participants. They are not available to counsel for any reason without the express permission of the Court. Counsel shall not fraternize, attempt to cultivate a special familiarity or otherwise distract them from their professional duties.

In any emergency situation, counsel shall follow all directives of the deputies in the courtroom and instruct their clients, witnesses, and participants to do the same.

Deputies shall open the courtroom **15 minutes prior to any scheduled proceeding** to admit counsel in order to provide counsel time to set up their respective tables and prepare their cases.

Court deputies will have all inmates that need to be present for shelter hearings, in the courtroom holding cell at least **15 minutes prior to the scheduled shelter hearing** so they may consult with their prospective attorney(s) prior to the case being called.

For arraignments or advisory hearings, Court deputies **should have inmates available in the courtroom holding cell 15 minutes before their appearance** on the docket, or as soon as practicable, to facilitate their review of the petition and consultation with their attorney before the case is called.

XVI. 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 an interpreter in any unique language for a scheduled hearing or trial, counsel shall notify the clerk at least one week prior to the scheduled hearing or trial.

XVII. AMENDMENTS TO THESE PROCEDURES

The Court may from time to time, on its own initiative, amend these procedures without further notice. All counsel are advised to check www.circuit19.org, click on Judge Meadows' page, Juvenile Dependency Procedures for updates before undertaking any case in this division to see if any provisions or conditions have been amended or added to this procedural memo.