

REBECCA WHITE, Circuit Judge
Juvenile Dependency Court Procedural Memo

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JUDGE WHITE: whiter@circuit19.org
Courtroom B – Okeechobee County Judicial Center

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

I. PLEADINGS, MOTION AND ORDERS

“Every motion or request for relief, shall contain a certification by the moving party that they have made a good faith attempt to resolve the issue PRIOR to filing of the motion.”

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)** state the amount of time requested for a hearing on the motion, if any, as well as **6)** state the position of each party regarding the motion including any objections and the legal basis therefore.

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 molinam@circuit19.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 #, 15dp120, child’s last name and short name of order, e.g. 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.

II. HEARINGS

“The parties are to meet and attempt to resolve as many issues as possible PRIOR to ALL hearings, including arraignments, docket calls, pre-trials and advisories.”

Scheduling Hearings: All motions must first be filed through the E-portal. If you are requesting a hearing. The initiating attorney should contact the Judicial Assistant to confirm the hearing date and time after coordinating with all parties. The hearing will be placed on the Court’s Docket when the Notice of hearing is filed. *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.

Emergency Motions: If you have a legitimate emergency motion, submit it to the Court via e-mail to molinam@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.

Shelter Petitions: All shelter petitions are to be e-mailed directly to Judge White with a copy to her Judicial Assistant, Maggie, no later than **10:00 am or as soon as possible thereafter.** the day of the shelter hearing. Shelter hearings are normally conducted by the Court at 1:00 p.m. each day, unless otherwise indicated/notified. 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. Only one reset will be permitted per motion. 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 White 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.

III. 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.

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.**

IV. EXHIBITS

Parties are to file an exhibit list with the Clerk of Court at least **3 business days (72 hours)** prior to the day of trial or hearing. A completed exhibit list and all exhibits must be scanned and emailed to the Court and all parties. Parties should bring a minimum of one (1) original and four (4) copies of all exhibits with them to trial (original to Clerk, copy for each party, copy for the witness, and copy for the Court).

V. 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 McCann's 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.