

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
DEPENDENCY COURT IN AND FOR LEE COUNTY, FLORIDA**

RE: COVID-19 MITIGATION:  
ZOOM TELECONFERENCING,  
ALTERNATE PHONE REQUIREMENT,  
RESCHEDULING OF JUVENILE DELINQUENCY  
FAMILY LAW, AND DEPENDENCY MATTERS  
IN UNIFIED FAMILY COURT FOR LEE COUNTY

---

**Emergency Order Relating to Lee County Unified Family Court Events  
and Notice of Rescheduling from June 1, 2020 through July 2, 2020 for  
all Cases assigned to Judge Swift and Judge Gentile**

In order to conduct court business efficiently, while taking reasonable steps considering COVID-19 to minimize nonessential travel and contact, the undersigned judges hereby make the following findings and orders:

**Background**

The Florida Supreme Court has issued several administrative orders relating to the COVID-19 pandemic. These include orders: No. AOSC20-12 (March 11, 2020); No. AOSC20-13 (March 13, 2020); No. AOSC20-15 (March 17, 2020); No. AOSC20-16 (March 18, 2020); AOSC20-17 (March 24, 2020); No. AOSC20-18 (March 27, 2020); No. AOSC20-20 (March 31, 2020); No. AOSC20-23 (April 6, 2020) and NO. AOSC20-23 *Amendment 1* (May 4, 2020). The Chief Judge of the 20<sup>th</sup> Judicial Circuit has issued Administrative Orders No. 2.39, Mitigating Measures in Response to COVID-19. (March 18, 2020) and Administrative Order No. 2.40 Evidence in Remote Hearings (May 18, 2020). These orders are hereby incorporated by reference.

The administrative orders have identified certain Essential or Critical Court Proceedings. Those orders also provide rules about how those proceedings and non-essential matters shall be conducted. This order is designed to provide clarity for how those events as well as other currently scheduled court events in Unified Family Court in Lee County, Florida will be conducted up through and including Thursday July 2, 2020.

Recognizing that the health, safety and welfare of children is the priority of all those who work in the Delinquency and Dependency courts, and that the due process rights of the parents must also be strictly protected, the court recognizes that exceptions to all these general rules and applications may exist and will be dealt with as necessary.

**Summary of Scheduling for Dependency and Delinquency Matters from June 1 to July 2, 2020**

**Dependency:** It is the intent of Judges Swift and Gentile that all Dependency matters other than TPR trials go forward as scheduled.

Pursuant to the latest AO's dependency trials are to go forward utilizing remote technology which will include Zoom and phone attendance.

**Parties in all trials and hearings are ordered to comply with AO 2.40 regarding the introduction and management of evidence. Counsel and unrepresented parties must comply with all portions of that AO and all should be familiar with and fully comply with all portions of that order.**

Pursuant to the above referenced AO's Termination of Parental Rights (TPR) trials will go as scheduled upon agreement of the parties unless infeasible as defined in the above referenced orders. Scheduling of TPR cases will be addressed at pre-trial, docket call, or upon motion, notice and hearing.

**Delinquency:**

With respect to delinquency matters, essential proceedings, motions and docket soundings will be conducted as scheduled.

**Dispositions and Adjudicatory hearings will be reset as detailed below.**

Judge Swift's Delinquency Dispositions set for June 9, 2020 at 9 a.m. are moved to July 7, 2020 at 9 a.m.

Judge Gentile's Delinquency Dispositions set for June 16, 2020 are moved to July 14, 2020 at 9 a.m.

Judge Swift's Delinquency Adjudicatory hearings for June 10, 11 and 12, 2020 are moved to July 10, 2020 at 9 a.m.

Judge Gentile's Delinquency Adjudicatory hearings for June 17, 18 and 19, 2020 are moved to July 17, 2020 at 9 a.m.

The judges will share one Zoom meeting code for delinquency matters. **952-6500-4467. Parties may call in by phone by dialing 1-786-635-1003 and then entering the meeting ID 952-6500-4467 followed by the # key.**

Delinquency motions will be heard as scheduled by Zoom or phone. **No in person appearances will be allowed.**



Delinquency docket soundings will be heard as scheduled by Zoom or phone. . **No in person appearances will be allowed.**

**Dependency:**

The judges will share one Zoom meeting code for dependency shelters. **743-327-321.**

Each judge and magistrate will have their own code for all other dependency matters (except for termination of rights advisory and manifest best interest):

**(J. Swift 578-963-828);**

**(J. Gentile 731-988-384); and**

**(M. Studybaker 987-137-6581 and password Circuit20 or if by phone password 267389).**

The above codes were set in order to reduce the number of codes and to allow ease of access for parties, counsel and witnesses.

**Zoom Courtesy and Conduct:** Counsel, parties and all participants are ordered to remain on mute on Zoom unless it is their turn to speak. The Zoom platform picks up on background sounds such as keyboards, clearing of throats and any other noise. This makes it difficult or impossible for the judge to hear the testimony or argument of the person speaking. Counsel are required to set up their appearance so that they may appropriately object without unintentionally disrupting the hearings. Participants are also asked to keep their cameras still and microphones clear to facilitate the proceedings.

**Counsel:** Counsel are hereby ordered to consult with their clients and opposing counsel prior to any hearing for the purpose of narrowing the issues to be argued. Conducting hearings by Zoom takes more time which the judges do not want to result in the necessity of a continuance to address the merits of any matter. Counsel are reminded of their duties under Local Administrative Order No. 2.20 (Standards of Professional Courtesy and Conduct and Establishment of Local Professionalism Panel, as amended February 20, 2014) including not limited to the provisions: I. Motion Practice; L. Efficient Administration; N. Settlement and Resolution.

**Essential Proceedings**

The following court events have been determined by the above referenced administrative orders to be Essential or Critical Court Proceedings (Essential Proceedings) in Unified Family Court in Lee County, Florida:

**-Juvenile Dependency Shelter Hearings (As of June 1, 2020, these shall resume in Courtroom 3A in the Lee County Courthouse at 1 p.m. each weekday, Monday-**

Friday, with the exception of July 3, 2020, which will be handled by the Duty Judge). **The 9 a.m. deadline for filing petitions and requesting inmates shall remain in effect.**

**-Juvenile Dependency Arraignment Hearings;** There will be no in-person appearances for these arraignment hearings except for parties who appear personally in the court house because of the summons or who do not have the ability to be sworn in by oath or affirmation by a notary in their presence for a phone appearance or to appear by Zoom to allow the Court to hear and see the parent so that the oath may be administered.

**-Juvenile Dependency Shelter Review Hearings** (Shall be heard in Courtroom 3A in the Lee County Courthouse at 1 p.m. each weekday, Monday-Friday, as scheduled by the Duty Judge on weekends, holidays or as scheduled by the undersigned).

**-Dependency Termination of Parental Rights (TPR) Advisory Hearings/Manifest Best Interest Hearings:** There will be no in-person appearances for the TPR advisory hearings except for parties who appear personally in the court house because of the summons or who do not have the ability to be sworn in by oath or affirmation by a notary in their presence or to appear by Zoom to allow the Court to hear and see the parent so that the oath may be administered. **These will occur as previously scheduled with individual codes for each hearing time set by each judge.**

**-Juvenile Delinquency Detention Hearings** (Shall be heard in courtroom 6A of the Lee County Courthouse at 8:30 a.m. each weekday, Monday-Friday, with the exception of July 3, 2020, which will be handled by the Duty Judge).

**-Juvenile Delinquency Arraignment Hearings** Counsel are encouraged to file written pleas and request that the youth and family not appear in person. **These will occur as previously scheduled.**

**-Hearings on Petitions for Temporary Injunctions relating to the safety of an individual** (As scheduled by the Clerk and the Judicial Assistant). **All currently set will occur as scheduled.**

**-Hearings on Petitions for Risk Protection Orders** (As scheduled by the Clerk and the Judicial Assistant). **All currently set will occur as scheduled.**

All other matters in Unified Family Court in Lee County currently set between the date of this order and July 2, 2020 are defined as "other matters" and are scheduled as provided in this order.

**CINS/FINS set for June 8, 2020 at 1:30 p.m. and June 15, 2020 at 1:30 p.m. will go forward by Zoom with Meeting Code to be provided, call in number is 1-786-635-1003 and participants attending by phone need to enter the Meeting Code.**



## Definitions and Contingencies

**Essential or Critical Proceedings:** As defined under heading above.

**Zoom:** Zoom means the video teleconferencing application (App) available via Smartphone, Tablet or Desktop device. The Zoom App is advertised as free of charge to those who select the App. In order to participate in a hearing, Zoom requires a Meeting Code. All parties, counsel and party representatives who are required to participate in Essential Proceedings shall obtain the Zoom App or phone in by zoom. The Zoom teleconference will be captured by Court Smart.

**Meeting Code:** The Meeting Codes have been established by the undersigned Judges as provided below for the specific court date/event in order to join the proceeding. All participating delinquency attorneys are required to provide this Meeting Code information to personnel from DJJ, parents, clients, victims and any other witnesses who counsel wishes to have participate. All participating dependency attorneys are required to share this Meeting Code information with Case Managers, GALP staff and volunteers and clients who wish to give testimony and any other witnesses who counsel wishes to have participate. Parents and Caregivers who are represented by counsel are required to obtain this code from counsel or the Case Manager. If unrepresented, (for example for Dependency Shelter Hearings) the Case Manager who has obtained the Parents/Caregivers contact information will be required to provide the Meeting Code to those parties. Parents are encouraged to attend all hearings including shelter hearings by Zoom.

### **The Zoom meeting codes have been set as follows:**

Judge Swift and Judge Gentile share a meeting code for all **shelter hearings** between June 1 and July 2, 2020: **743-327-321**;

In order to preserve confidentiality, Judge Swift has set specific meeting codes for **termination of parental right advisory and manifest interest hearings** as follows:

Judge Swift will use the meeting code of **791-861-920** for **June 4, 2020, 9 a.m. in courtroom 3-A**, and the meeting code of **791-861-920** for **July 2, 2020, 9 a.m. in courtroom 3-A**

Similarly, Judge Gentile will set specific meeting codes for **termination of parental right advisory and manifest best interest hearings** and distribute those ahead of time by email to counsel.

Judge Swift has set a meeting code for all other dependency matters scheduled from June 1 to July 2, 2020: **578-963-828**.

Judge Gentile has set a meeting code for all other dependency matters scheduled from June 1 to July 2, 2020: **731-988-384**.

Magistrate Studybaker has set a meeting code for all other dependency matters scheduled from June 1 to July 2, 2020: 987-137-6581 with a password of Circuit 20 or if by phone the password is 267389.

**Zoom Unavailable:** If the participant is not able to download the Zoom App, the participant may call the **Zoom phone number of 1-786-635-1003** and then enter the above meeting codes. In cases of a last resort, where none of the Zoom technology may be used, a participant must call Judge's office no later than 24 hours before the proceeding (with the exception of emergencies and Dependency Shelter Hearings) to provide a phone number for the Court to call the participant at the time of hearing. Any participant requesting to appear by phone shall be available at the meeting time and for all time thereafter until contacted to allow for multiple hearings on the same meeting. **In light of the limitation of available phone lines, Zoom appearances are preferred and encouraged.**

**Emergencies:**

Dependency emergencies shall be coordinated with JA and opposing counsel on Shelter docket (1 p.m. weekdays, Courtroom 3A).

Juvenile delinquency emergencies shall be coordinated with JA, all counsel and placed on the detention docket (8:30 a.m. weekdays, Courtroom 6A).

Family law or other emergencies shall be coordinated with the judicial assistant for the presiding judge.

Unless good cause is shown, all emergencies require a written motion which shall include a certification that counsel or party consulted with opposing parties/counsel before requesting a hearing.

**Interpreters:** Should there be a need for an Interpreter, counsel for the party (or the party if unrepresented) in need of those services shall advise the Interpreter's office and make arrangements for the provision of interpretation services for the court event. In cases involving unrepresented parties, representatives of the State of Florida (DCF, State Attorney's office) shall assist and facilitate provision of necessary services.

**Parents in Custody of Lee County Jail:** If there is a parent in custody in Lee County, the attorney shall request the parent for the hearing using the normal procedure (with at least 24 hours advanced notice) and that parent should be available by telephone. For shelters, notice must be provided by 9:00 a.m.

As explained above, it is **ORDERED** that:

All parties, representatives, participants and counsel shall comply with all terms of this order;

Effective immediately all Court events shall be conducted online by Zoom teleconferencing or, only as absolutely necessary, via phone by making prior arrangements with the Judge's Judicial Assistant for a call from the Courtroom;



This order applies to counsel as well as unrepresented parties with the exception for parents appearing in person as noted above pursuant to summons. It is incumbent on counsel or the unrepresented party to sign up using the Zoom App and set up the account (if necessary) and obtain all relevant information IN ADVANCE of the scheduled hearing. If there are any issues with the Zoom App, you must notify the Court in advance of the hearing, or, if appropriate, file a motion seeking relief;

Counsel should assist the Court in facilitating compliance with this order by unrepresented parties, including explaining the requirement of this order during a pre-hearing communication and providing a copy of this order or directing them to the division website where this order is available;

In the event of an extension of the Florida Supreme Court orders past April 17, 2020, or in the event of other unforeseen orders by the State or Federal Government, this order may modified or extended as needed;

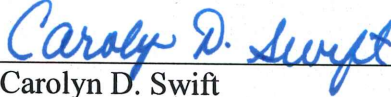
All parties, party representatives, participants and counsel shall comply with the terms and spirit of the incorporated orders from the Florida Supreme Court and the Chief Judge of the 20<sup>th</sup> Circuit in an effort to minimize the likelihood of the spread of COVID-19.

**DONE AND ORDERED** in Chambers in Lee County, Florida on May 28, 2020.



---

Geoffrey H. Gentile  
Circuit Court Judge



---

Carolyn D. Swift  
Circuit Court Judge