

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: JUDICIAL WAIVER OF PARENTAL
NOTICE OF TERMINATION OF
PREGNANCY

ADMINISTRATIVE ORDER
NO. 8.7
- Amended -

Pursuant to Fla. Stat. § 390.01114, as amended by Chapter 2011-227, Laws of Florida, and Fla. R. Juv. P. 8.800, et seq., and by the authority vested in the Chief Judge by Fla. R. Jud. Admin. 2.215(b), it is

ORDERED AND ADJUDGED as follows:

1. Filing of the Petition – Upon request, the Clerk of Court shall provide interested persons with blank copies of Florida Supreme Court approved Form 8.897, Petition for Judicial Waiver of Parental Notice of Termination of Pregnancy. Petitions seeking a judicial waiver of the parental notice requirements of Fla. Stat. § 390.01114 shall be filed with the Clerk of Court of the respective county and shall be file-stamped by the Clerk with the date and time of filing. The Clerk shall assign the petition to the juvenile dependency division of the Court and shall assign a juvenile dependency case number. In accordance with Fla. R. Juv. P. 8.805(d), the Clerk shall immediately provide Petitioner with a copy of Florida Supreme Court approved Form 8.988 (Sworn Statement of True Name and Pseudonym) and Florida Supreme Court approved Form 8.989 (Advisory Notice to Minor).

2. Assignment of Cases – The Clerk shall assign petitions filed under section 390.01114, Fla. Stat., to the judge who customarily presides over juvenile dependency cases, or if more than one judge within a county customarily presides over such cases, the Clerk shall assign petitions to those judges on a rotating basis. The Clerk shall immediately contact the assigned judge’s judicial assistant for the purpose of advising as to the filing of the petition and determining the assigned judge’s availability. If the assigned judge is available, the Clerk shall

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BY _____ D.C.
FRED LEE CO. FLORIDA
CLERK OF COURT

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immediately hand-deliver the file to the assigned judge.

3. Unavailability of Assigned Judge - If the Clerk finds that the assigned judge is not available, and if alternative arrangements have not already been made in advance for judicial coverage in that assigned judge's absence, the Clerk shall immediately notify the Circuit Administrative Judge, or in the absence of the Circuit Administrative Judge, the Clerk shall immediately notify the Chief Judge. The Circuit Administrative Judge or the Chief Judge shall designate a judge who is immediately available to address the petition in the absence of the assigned judge. If the Clerk finds that neither the Circuit Administrative Judge nor the Chief Judge is available, the Clerk shall notify the Duty Judge who shall address the petition. The Clerk shall immediately hand-deliver the file to the judge designated to address the petition by the Circuit Administrative Judge or the Chief Judge, or, if applicable, to the Duty Judge.

4. Appointment of Counsel -- Upon the filing of the petition, the Clerk shall immediately determine whether Petitioner has requested the appointment of counsel in the petition and, if the Petitioner has not, and is not otherwise represented by counsel, the Clerk shall immediately provide written notice to the Petitioner of her right to counsel at public expense, as provided for by Fla. Stat. § 390.01114(4)(a) and Fla. R. Juv. P. 8.815. This may be accomplished by ensuring that the Petitioner is provided with Florida Supreme Court approved Form 8.989 (Advisory Notice to Minor). If the Petitioner appears before the judge for hearing and has not yet requested the appointment of counsel, the Court at that time shall advise the Petitioner of her right to counsel at public expense. If Petitioner has requested, or requests, the appointment of counsel, the Clerk shall obtain the name of the next attorney in rotation from the Registry of Court-Appointed Attorneys, and shall immediately contact that attorney to determine his or her availability to represent Petitioner. If unavailable, the Clerk shall continue through the rotation to the next available attorney. The Clerk shall advise the assigned judge, or the alternative judge

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who will address the petition, of the name of the attorney who is available, and the judge shall immediately enter an order appointing that attorney. If the Clerk is unable to locate an available attorney from the Registry of Court-Appointed Attorneys, the Clerk shall so advise the judge, and the judge shall enter an order noting that no private court-appointed attorneys are available, and appointing the Office of Criminal Conflict and Civil Regional Counsel pursuant to Fla. Stat. § 27.511(6)(a). Upon entry of an order appointing either a private court-appointed attorney or the Office of Criminal Conflict and Civil Regional Counsel, the Clerk shall immediately provide a copy of the order of appointment, along with a copy of the petition, to counsel via electronic mail, facsimile transmittal, or any other appropriate method by which counsel is immediately notified in writing of the appointment and the petition.

5. Hearing and Ruling – Upon notifying the assigned judge, or the alternative judge who will address the petition, of the filing of the petition, the Clerk shall obtain from that judge's judicial assistant a hearing date, time, and place, which shall be set within three (3) business days of the date the petition was filed, as required by Fla. Stat. § 390.01114(4)(b). The Clerk shall then provide written notice of the hearing to the Petitioner and to counsel, if any. Within the three (3) business day period, the judge shall conduct the hearing, and shall rule and issue written findings of fact and conclusions of law supporting the judge's decision, including factual findings and legal conclusion relating to the maturity of the minor as provided for by Fla. Stat. § 390.01114(4)(c). In accordance with Fla. Stat. § 390.01114(4)(b) and Fla. R. Juv. P. 8.820, the three (3) business day period may be extended at the request of the Petitioner, but the Court is still obligated to rule on the petition as soon as practically possible. In accordance with Fla. Stat. § 390.01114(4)(b), if a hearing is not held within the three (3) business day period, and the Petitioner has not requested an extension, the Petitioner may petition the Chief Judge for a hearing on an emergency basis. The Clerk shall immediately notify the Chief Judge of the filing

of any such emergency petition, and the Chief Judge shall thereafter ensure that a hearing is held within forty-eight (48) hours of receipt of the emergency petition, and that an order is entered within twenty-four (24) hours after the hearing.

6. Record of Proceedings and Transcript - The judicial assistant for the judge who will conduct a hearing shall notify the Electronic Court Reporting Office so as to ensure that an electronic record is made of the proceeding. On behalf of the Court as required by Fla. Stat. §390.01114(4)(e), the Electronic Court Reporting Office shall ensure that the electronic record of the proceeding is transcribed and shall ensure that the original transcript is filed with the Clerk. The Court shall be responsible only for costs associated with the production of the original transcript.

7. Confidentiality - As provided for by Fla. Stat. §§ 390.01116(4) and 390.01116, and Fla. R. Juv. P. 8.835, any information, including the petition, documents, transcripts, recordings of cases, and any other information that could be used to identify the Petitioner is confidential and exempt from public disclosure, and, likewise, all hearings shall remain confidential and closed to the public. As further provided for by Fla. Stat. § 390.01116(4) and Fla. R. Juv. P. 8.825, the judge's order on the petition shall direct that confidentiality of the record be maintained.


8. To the extent that any provision of this Administrative order conflicts with any rule, statute or law, the rule, statute or law shall prevail.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this 13 day of Dec., 2011.

STATE OF FLORIDA, COUNTY OF LEE
FILED FOR RECORD

This 14 Day of Dec 2011 Recorded in Circuit
Book 55 Page 1467 and Record Verified.

CHARLIE HISTORY - Administrative Order 8.7 (Aug. 24, 1999).
Clerk Circuit Court Deputy Clerk


Jay B. Rosman
Chief Judge

I certify this document to be a true and correct copy of the original on file in my office, Charlie Green, Clerk Circuit Court, Lee County, Florida
Dated: 12/14/11
By M. Montemayor
Deputy Clerk

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