



Broward County Chiefs of Police Association

**Committee on Domestic Violence Injunction Process
in Broward County, Florida**

**Report and Recommendations:
Civil Injunctive Process for Victim Survivors
Of Domestic Violence Seeking Court-Ordered Protections
In Broward County, Florida**

June 10, 2015

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Executive Summary

The B.C.C.P.A. appointed a Committee to evaluate the current process for victim survivors of domestic violence in Broward County to seek protections through injunctions against domestic violence. The Committee began work in February 2015. The participants represented a broad cross-section of interested stakeholders, including municipal police department officers, advocates and advisers, the Broward Sheriff's Office, Court Administration, Clerk of Courts, State Attorney's Office, Broward Health and many different violence victim advocacy organizations who provide services, direct and referral, to victim survivors of domestic violence.

Broward County, with approximately 1,700,000 residents covering approximately 420 square miles of developable land, is a diverse community from the perspective of culture, race, and socio-economics. Further, the issues surrounding domestic violence have received greater national and local attention. There are many reasons a victim survivor of domestic violence may be reticent to seek court protections, but the process should not be a substantial factor is dissuading victims to seek necessary and available protections.

The Committee identified a number of areas of concern related to the process and the impact on the victim survivors. From there, after examining the law as established by statute, rules of procedure and administrative orders, the Committee identified ten general points of consensus along with recommendations to address proposed improvements to the process.

The concerns regarding the current process for victim survivors of domestic violence to seek protections in Broward County include the following, in no particular order:

- The only location to file a petition seeking protections is at the main courthouse;
- This single location requires victims to travel to the courthouse, sometimes with their children, pay for parking and for some it is a substantial distance;
- The process for filing the petition through actually obtaining an order can take the entire day;
- Those victims waiting for an order providing protection often have children with them and, as a result, the area where victims prepare petitions and wait is often crowded and chaotic;
- To avoid waiting for the entry of an injunction order, victims are told they can have the injunction delivered via US mail; however this is not a realistic option for most seeking emergency protection in so far as there is time delay in delivery and some victims may not know where they will be in the coming days;
- Technology is not being fully deployed to efficiently process the petitions from filing to execution of an injunction order;
- Electronic filing of petitions for injunction by through the state portal by victims, whether represented or unrepresented, while theoretically available, is simply not a realistic option for victim survivors. The manual to learn how to e-file is 101

pages. E-filing requires computer infrastructure and technology experience to navigate the system;

- The current courthouse has petitioners and respondents (alleged abusers), contrary to established recommendations regarding separation, in the same hallway leading to unsafe and intimidating conditions;
- In the current courthouse in-custody respondents are walked right by the victim survivors due to the lack of a secure transport system;
- There are no accommodations for victims to park, either at the time of filing a petition or during the court process;
- The proposed plan for separation of petitioners and respondents outside the courtrooms in the new courthouse, while well-intentioned, is not sufficient.

During the course of the Committee work, certain improvements were already offered and implemented. The Clerk created four (4) additional positions in the Domestic Violence division and will be staffing these positions. The Clerk has revamped the use of space in room 248 to accommodate additional staffing and increase privacy for victims seeking protections through the filing of a petition for injunction against domestic violence. The Clerk has revised the Clerk's website to incorporate a Domestic Violence quick link to access updated information referencing Injunctions for Protection. These efforts are welcomed by the Committee.

As noted in the report, the Committee was initially motivated to evaluate the process in Broward County by reports involving a New Jersey pilot project involving video-conferencing between victims in hospital and hearing officers, thereby avoiding the need for some New Jersey victims to travel to the courthouse to obtain emergency protections. The Committee posited initially: if these protections could be offered from a hospital, why not other locations? However, current Florida law differs markedly from New Jersey law, thus currently preventing the implementation of such an electronic system of *ex parte* contacts with the Court.

In short, laws and rules enacted many years ago have not yet caught up with the available technological innovations which could improve the process for victim survivors of domestic violence.

Nonetheless, through that analysis and an examination of the process in Broward County, a number of substantial points of consensus were identified as areas to improve the process for victim survivors of domestic violence:

- There is a need to provide additional safe locations where victims are able to file and process petitions for injunction against domestic violence.
- The current state-wide system for electronic filing of petitions for injunction against domestic violence is not user friendly for *pro se* victims of domestic violence and, therefore, is not a meaningful opportunity for *pro se* victims to avoid in person filing at the singular location in the County.

- The current physical process for victims to obtain certified copies of orders granting injunctions and emergency service packets is an impediment to fully utilizing the capabilities of the electronic filing portal.
- Greater use of technology for the filing and processing of petitions for injunction against domestic violence could streamline the process for the Clerk's office and the Judiciary.
- The Clerk's office and Judiciary, as well as victims, could directly benefit from more domestic violence advocates to guide and assist victims through the process of filing petitions for injunction against domestic violence.
- The current courthouse layout for injunction hearings is less than ideal for victims, adds to the stress on victims and their advocates associated with proceeding through the court process and generates preventable and foreseeable risks and dangers to victims and their advocates.
- While collaboration and cooperation in the planning for the new courthouse as it relates to the domestic violence court process, including the filing of petitions for injunction against domestic violence, gave due consideration to some of the concerns presented in the current courthouse, additional analysis and steps are necessary to fully address concerns noted in this report.
- While the issues facing domestic violence victim survivors as identified herein were focused on Broward County, the Committee notes that these same issues are faced state-wide by victim survivors of domestic violence.
- Any improvements and/or changes to the process for victims to file and seek petition for injunction against domestic violence, including expanded availability of electronic portal filing with the assistance of advocates, requires additional educational efforts community wide.
- The Committee recognizes there are many stakeholders who should be interested in this Report and Recommendation and, therefore, this Report and Recommendation should be distributed widely.

The Committee recognized that some of these points of consensus require long-term and more laborious strategies. Most require the participation and support of the Broward County Board of County Commissioners, Broward Sheriff's Office, Court Administration, the Clerk of Courts and the Seventeenth Judicial Circuit. However, there are also steps which can be made with relatively little resource dedication that can substantially improve the process for victims and the courts.

The Recommendations were:

- Implement Legislative Changes to Allow the Full Deployment of Technology to Streamline the Process for Victim Survivors of Domestic Violence.
- Expand E-Signature for Judicial Execution of Injunctions.
- Utilize Regional Courthouses for Filing of Petitions.
- Utilize Regional Courthouses for Production of Certified Orders and Emergency Packets.
- Develop and Implement Process To Provide Certified Copies and Emergency Packets at Designated Approved Locations.

- Expand E-Filing Training.
- Validate Parking for Victim Survivors of Domestic Violence Seeking Injunctions and for Final Hearings.
- Develop Partnerships for Transportation.
- Utilize Regional Courthouses for Hearings on Petitions.
- Increase Training for Volunteer Advocates.
- Develop a Domestic Violence Victim Advocates Program.
- Take Appropriate Steps to Increase Security on the 8th Floor Outside Courtrooms.
- Continue to Re-Evaluate a Separate and Secure Waiting Area for Petitioners, Advocates and Counsel.
- Develop and Sustain a System of Notification for In-Custody Transport Through the 8th Floor Hallways.
- The Currently Proposed Expansion of Space for the Clerk’s Office Should Be Implemented.
- Additional Dialogue And Analysis Amongst the Stakeholders Regarding the New Courthouse Accommodations and Security Plan related to the Domestic Violence Injunction Process is Necessary.
- Implement A State-Wide Taskforce With Broad Participation to Improve Process for Victim Survivors of Domestic Violence.
- Develop Partnerships With County-Wide Community Groups for Dissemination of Information Regarding the Injunction Process.
- Distribute This Report Widely To All Potential Stakeholders and Media.

The B.C.C.P.A thanks each of the participants for the many hours dedicated in meetings and in performing research to prepare this Final Report. Following through on the Recommendations, including determining which are most achievable in the short term, is the responsibility of our entire community particularly given the need to provide a dignified and supportive process for victim survivors of domestic violence to seek and obtain protections through the injunction process.

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Mission Statement

Engage stakeholders to evaluate the current process and procedures in Broward County for victim survivors of domestic violence to seek protections through petitions for injunction against domestic violence and to provide recommendations regarding potential improvements to the civil process and procedures for obtaining injunctions against domestic violence.¹

What is Domestic Violence Under Florida Law?

Florida Statute §741.28(2) defines Domestic Violence as “*any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking (including cyber-stalking) aggravated stalking, kidnapping, false imprisonment, or any other criminal offense resulting in physical injury or death to one family or household member by another family or household member.*”

“Family or household member” is defined to include: “*spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.*” Florida Statute §741.28(3).

Who is a Victim of Domestic Violence?

For purposes of obtaining a petition for injunction against domestic violence, any person who is either a victim of domestic violence (as defined in Florida Statute §741.28(2)) or “*has reasonable cause to believe he or she is in imminent danger of becoming a victim of*

¹ This report and recommendation addresses the civil process for victim survivors filing a petition for injunction against domestic violence and obtaining those resulting protections. In criminal cases, a no-contact order will be entered and this Report does not address no-contact orders or their impact. Additionally, protections available through Chapter 39 petitions brought on behalf of children through the Office of the Attorney General are not addressed by this Report.

any act of domestic violence” may seek an injunction against domestic violence. Florida Statute Section §741.30(1)(a).²

Background of Committee Formation

After a January 2015 national news story spotlighted a streamlined judicial process for domestic violence victims seeking protections through restraining orders in New Jersey by deploying readily available technology, the Broward County Chiefs of Police Association formed a Committee in February 2015 to evaluate the current process for domestic violence victims in Broward County to seek court-ordered protections.³ BCCPA President Chief Paul O’Connell appointed Captain Roger Torres of the Sunrise Police Department to Chair the Committee.⁴

There were five (5) multi-hour meetings held by the Committee with broad attendance. The initially invited participants began by evaluating what additional organizations and individuals should be asked to provide input and participate in the Committee Process. Along the way, if an additional potential participant who would be potentially interested in this mission was identified, Captain Torres extended a direct invitation.

The goal of the Committee was to harvest all relevant data, facts, suggestions and ideas so as to ensure broad consensus for any resulting recommendations. In addition to the hours dedicated in the meetings, many of the participants dedicated significant efforts outside the meetings to gather information and perform necessary research.

It is important to note that there are a number of organizations and individuals who consistently and persistently provide support and guidance for domestic violence victims. For instance:

Women In Distress

Women In Distress of Broward County, Inc. (WID), founded in 1974, is the only nationally and state certified domestic violence organization serving Broward County. It is among the oldest and largest among the 42 domestic centers in Florida. It is a 501(c)(3) nonprofit organization governed by a Board of Directors representative of the community, with an annual budget of more than \$5 million funded by both public and private sector sources. WID serves women and men adults who are survivors of domestic violence as well as their children (0 to 17 years of age).

² The petitioner seeking emergency protection against domestic violence through the injunction process is the victim. The alleged abuser is the respondent. From time to time, throughout this report, those terms may be used interchangeably.

³ See Appendix A; B; F; W.

⁴ Victims of domestic violence seeking protections through a civil process may file a “Petition for Injunction Protection Against Domestic Violence.” As part of that process, the victim may request an *ex parte* temporary injunction establishing immediate protections for the victim (and children if applicable). Some refer to this more colloquially as a temporary restraining order.

WID is a member of the Florida Coalition Against Domestic Violence (FCADV) that is based in Tallahassee and the group that provides the public policy work, secures and distributes state and federal public sector funding, provides training and technical support to the centers and monitors the performance of all of the DV centers in Florida under a contract with Department of Families and Children.

Services provided by Women In Distress include a 24-hour crisis line, emergency shelter, counseling and therapy for adults and children and a prevention/education program for the community. All of its services are free and confidential and are provided in four languages: English, Spanish, Creole and Portuguese. Translation services are available for other languages as needed. Services are provided at its Jim and Jan Moran Family Center campus located in Deerfield Beach (agency expanded its services and capacity in 2011 and doubled its available emergency shelter beds to 132 bed in 2011). Services are also available at various days at outreach locations in Miramar, Pembroke Pines (2 locations), Hallandale, Plantation and Oakland Park. In addition to state and federal funding, WID receives some grant support from about half of the 31 municipalities in Broward County.

In the past fiscal year, it served a total of 3,164 adults and children, provided 37,802 safe shelter nights, 31,437 therapy and counseling hours and provided 5,167 children's counseling hours. WID's 24-hour crisis line receives more than 1,900 calls per month – the highest volume of any DV center in the state.

Children's Services Council Domestic Violence Prevention Strategic Plan Committee

The CSC's Strategic Plan impacts Broward County through a collective effort of bringing the community together with non-profits, schools, government, local businesses, youth, families, and faith-based providers around issues concerning our youth. More than 1,500 Broward partners come together in monthly committee meetings to analyze data around, and find solutions to, the community needs of our youth. Support and services are provided by its backbone agency, the Children's Services Council of Broward County. To learn more about the Plan and the contributions of the CSC visit <http://www.results4browardchildren.org>.

The Domestic Violence Prevention Committee is a sub-committee of the Child Abuse Prevention Committee. It is currently co-chaired by Lynn Allen, Family Court Manager for the 17th Judicial Circuit Family Division and Mindy Jones, attorney with Coast to Coast Legal Aid of South Florida. The Committee has identified issues which negatively affect victims of domestic violence and increase danger for victims and their

children. The Committee is working on solutions to these issues. One of the top priorities is housing for victims and their children. Broward County has limited emergency shelter beds for victims and their children at Women In Distress. There is no other emergency shelter for victims in Broward County. Broward County has no transitional housing for victims and their children. Broward County also lacks affordable housing options for victims and their children. This is a major reason why victims stay in a home with their abuser. Other issues include: minimal Chapter 39 Injunctions being filed on behalf of children in Broward County, victims being threatened that their children will be taken for “failure to protect” instead of being offered supportive services, no State or County certification for Batterer’s Intervention Programs, and a general lack of supportive services for victims with low income such as daycare, safe exchange locations, supervised visitation, therapeutic visitation, and free courthouse parking to file Injunctions and attend hearings.

Broward Domestic Violence Council

The Broward Domestic Violence Council was formed 20 years ago as a response to the community’s need for coordination in the domestic violence arena. The composition of BDVC includes all law enforcement agencies (including victim advocates and investigators), the Clerk’s office, Court Administration of the Seventeenth Judicial Circuit, County Probation, Batterer’s Intervention Programs (BIPs), Sunserve, faith-based agencies, Nova University, Coast to Coast Legal Aid of South Florida, State Attorney’s Office, both prosecutors and victim advocates, Women In Distress, private therapeutic providers, Broward County schools, and several other individuals. The Council provides training to the Judiciary, to law enforcement groups, Criminal Justice Institute, public forums, and to other interested groups.

Broward Victim’s Rights Coalition

The Broward Victim’s Rights Coalition (BVRC) was established by victim service professionals in 1991. The purpose of BVRC is to create awareness and empower victims. Our mission is to provide a comprehensive network benefiting crime victims. The Coalition provides opportunities to network with victim service providers, enhance public awareness about rights and needs of victims, encourage participation of citizens in victim service programs, serve as a source of technical support for victim related educational forums, and advocate on behalf of crime victims. Our vision is to be recognized as the leading resource in the South Florida community for crime victims’ rights and service providers. BVRC partners with other organizations and working groups in the county to address the issue of domestic violence.

Coast to Coast Legal Aid of South Florida

Coast to Coast Legal Aid of South Florida (CCLA) was established as a non-profit law firm in 2003, and is the sister agency to Legal Aid Service of Broward County. Coast to Coast Legal Aid of South Florida's mission is to improve the lives of low income persons in the community through advocacy, education, representation and empowerment. CCLA serves as the legal arm to various social agencies in the community providing free legal assistance to victims of domestic violence.

CCLA's on staff attorneys are members of the Florida Coalition Against Domestic Violence (FCADV) and have working relationships with WID and the Broward County Courthouse.

No More Tears

No More Tears is a completely volunteer-run non-profit that provides immediate and individualized assistance to victims of domestic violence and their children. Eligible victims must be in the process of leaving or immediately have left abusers. Upon meeting with a victim who completes an intake form, No More Tears may assist a victim by identifying and moving him or her to safe and affordable housing, helping her or him to complete applications for other benefits, obtaining restraining orders, acquiring legal help (including immigration-related issues), receiving medical or dental care, and other forms as needed. To date, the organization has assisted 400 adults and 822 children. No More Tears receives no state or federal monies and instead relies entirely by donations. To provide such comprehensive services, No More Tears works with a variety of community partners, including lawyers, doctors, dentists, other social service providers, and more.

In addition, there are number of other organizations which provide direct or referral services to domestic violence victims, including the provision of advocates to assist victims. For instance, as highlighted later in this report, Henderson Behavioral Health is responsible for screening domestic violence victim survivors seeking emergency protections through the injunction process after hours.⁵

The Committee examined examples of informational brochures provided to victims by law enforcement agencies.⁶ Each provide the general contact information and a general overview of the process related to obtaining an injunction for protection from domestic

⁵ Various police agencies provides victim advocates to include assistance to domestic violence victims. A number of organizations provide referral services to domestic violence victims including 211 Broward, Family Success Centers, Family Central, Nancy J. Cotterman Center, Hispanic Unity, SunServe to name a few. SunServe is service agency focusing on LGBTQ needs in Broward County. While SunServe does not provide direct services to victims of domestic violence, they will refer individuals to others agencies which focus on the needs of domestic violence victims.

⁶ See, e.g., Appendix M.

violence. It was agreed that this information on its own is not sufficient to do much more than provide a victim some general information.

The work of Broward Chiefs of Police Committee on Domestic Violence Injunction Process was not intended to displace the work or advocacy of these organizations and individuals. Instead, the Committee sought out the expertise of these groups and individuals to meet the mission of the Committee.

The Broward Chiefs of Police Association thanks the participants for their dedication to attending meetings, providing assembled data and information, researching points of law and facts outside the Committee meetings, participating in professional and productive dialogue, conducting tours, and providing insight which has resulted in this Report and the Recommendations contained herein.

Outline of Laws, Rules and Administrative Order Governing the Process for Petitions for Injunction Against Domestic Violence.

The duties and responsibilities of Florida Clerks of the Circuit Court in filing Domestic Violence cases are governed by Florida statute and rule. The primary statutes are Florida Statutes §741.30, and §28.215 (2014). The primary Rule is Florida Family Law Rule of Procedure §12.610.⁷

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(1) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is either the victim of domestic violence as defined in s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

* * *

(d) A person's right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.

(e) This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

⁷ There are additional categories of potential petitions for injunction covering Repeat Violence, Dating Violence, Sexual Violence, and Stalking Violence. See Appendix Q.

- (f) *This cause of action for an injunction shall not require that either party be represented by an attorney.*
- (g) *Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present.*

Florida Statute §741.30 (2) places certain requirements on Clerks:

1. That no fee for filing be charged and no bond for entry of the injunction be required;
2. That the clerk provide simplified forms and instructions for injunctions;
3. That the clerk assist petitioners in seeking and enforcing injunctions for protection;
4. That petitioners' privacy be ensured so far as practical while filing;
5. That two certified copies of the injunction, one serviceable, be provided to petitioners; and that the process for service and enforcement be explained to petitioners;
6. That informational brochures be provided;

Florida Statutes §741.30(3) outlines what a sworn petition for injunction must contain in order to successfully obtain an injunction.

Florida Statutes §741.30(4) requires that upon the filing of a petition for injunction, the court shall set a hearing "at the earliest possible time" and that petition for injunction (along with a financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, notice of hearing and the temporary injunction, if any) must be served upon the respondent

Florida Statutes §741.30(5) is the section that addresses the *ex parte* temporary injunction.

- (5)(a) *If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:*
 1. *Restraining the respondent from committing any acts of domestic violence.*
 2. *Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties*

share or excluding the respondent from the residence of the petitioner.

3. *On the same basis as provided in s. 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of the time-sharing. The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.*

(b) ***Except as provided in s. 90.204, in a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.*** *A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.*⁸

(c) *Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.*

Emphasis was added to §741.30(5)(b) as that is the section which has been cited to prohibit direct contact between the judge and the victim *ex parte* for the purposes of

⁸ In Broward County, if a Petition is deferred, there is a process by which the Petitioner may choose to dismiss the Petition and have no notice go out to the Respondent. This procedure has been made available to Petitioners to eliminate a potentially dangerous situation by putting the respondent on notice of the existing petition; deferred orders offer no protection to the Petitioner.

taking evidence, other than the provision of a written and verified petition. It is this section which differentiates what the New Jersey video-conference program is able to do by remotely linking to victims in a hospital to a hearing officer. Even assuming the technology exists in Broward County to provide such linkage, direct *ex parte* contacts between judges and victims are impermissible under Florida law.

In determining whether or not to grant an *ex parte* petition for injunction against domestic violence,

“the court must consider all relevant factors alleged in the petition for injunction for protection against domestic violence, including, but not limited to:

The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse;

Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner;

Whether the respondent has threatened to conceal, kidnap, or harm the petitioner’s child or children;

Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives;

Whether the respondent has intentionally injured or killed a family pet;

Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement;

Whether the respondent has a criminal history involving violence or the threat of violence;

The existence of a verifiable order of protection issued previously or from another jurisdiction;

Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

Florida’s Domestic Violence Benchbook, (2014), Office of the State Courts Administrator.⁹

⁹ <http://flcourts.org/core/fileparse.php/273/urlt/ElectronicBenchbook2014O-OAccessibilityOcheckedO1-26-2015.pdf> (“The Office of the State Courts Administrator (OSCA), Office of Court Improvement (OCI), developed Florida’s domestic violence benchbook to address the highly litigated legal issues in domestic violence cases. OSCA continues to update the benchbook periodically in order to assist both new and experienced judges. This benchbook is a compilation of promising and science-informed practices as well

Florida Statute §741.30(8) requires that the Clerk furnish the necessary pleadings for service to law enforcement for service, and certify and deliver orders to parties upon entry.¹⁰ The injunction is not enforceable until the respondent is served. Domestic violence victims are encouraged to keep a certified copy of the order granting the injunction on their person to be able to show law enforcement.

There was much discussion regarding the requirement of certification by the Clerk of Court as an explanation for why victims must process everything at the main courthouse. As will be discussed herein, there are steps which may be taken to allow certified orders to be produced at Regional courthouses and/or participating police departments through their Records Division.

Florida Statute §28.071 outlines that the Clerk's seal "shall be the official seal of the clerk of the circuit court in that county for authentication of all documents and instruments." The seal "may be an imprint or impression type of seal and shall be registered with the Department of State."¹¹ Florida Statute §741.30(8)(a)(3) requires the injunction "shall be certified by the clerk of the court." Florida Statute §741.30(2)(c)(5) states "The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement."

Once an injunction is served on the respondent, whether permanent or temporary, BSO Warrants Division enters the information into teletype so if the respondent is checked by law enforcement, the information should come up as having a valid injunction order. Before law enforcement can take action on information contained within FCIC/NCIC they must verify the information is still valid with the entering agency and determine what the parameters of the injunction order are should the petitioner not have a copy.

The petitioner is given an emergency packet by the Clerk of Court should the victim encounter the respondent before BSO Civil Division had the opportunity to serve the

as a legal resource guide. It is a comprehensive tool for judges, providing information regarding legal and on-legal considerations in domestic violence cases.")

¹⁰ Florida Statute §741.30(8)(a)(1) provides that "*When requested by the sheriff, the clerk of the court may transmit a facsimile copy of an injunction that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy.* Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. In addition, if the sheriff is in possession of an injunction for protection that has been certified by the clerk of the court, the sheriff may transmit a facsimile copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy." (emphasis added).

¹¹ Florida Statute §28.071 does not prohibit an "electronic seal" as a valid certification by the Clerk of Court. According to research performed, the Office of the State Courts Administrator's Office says that an electronic seal meets the statutory requirements of Section 28.071, which is confirmed by the Broward Clerk of Court. The Clerk indicates that they are working with a vendor to fully implement, among other electronic stamps, an electronic certification. According to the Clerk, due to other pressing projects and state mandates, the deployment of electronic seals/certifications is scheduled for some time in 2016.

respondent. In that case any Law Enforcement agency can serve the order immediately. In Broward County, this packet is sealed by the Clerk of Court; however, there is no statutory requirement that the emergency packet be sealed by the Clerk.

The BSO Civil Division receives the orders and Proof of Service forms and forwards the packets onto the Records Division for entry into the FCIC/NCIC system. Once an order is obtained from the courts, it is normally entered into the system the next business day. If the order was obtained on a Friday, it may not be entered into the system until the following Monday. The details and instructions the respondent must follow are in the order. Therefore, Records must have the order prior to entry into the FCIC/NCIC to accurately enter the information. The order is entered into the system prior to proof of service, and would have a notation that the respondent was not served yet.

As soon as the respondent is served and Records receives the notice, the proof of service is entered into the system. In a situation where the emergency packet is served on the respondent prior to the order being entered into the FCIC/NCIC system, law enforcement notifies Records Teletype that the respondent was served and a Verification System Log form notes the service. Once the full order is received, the entire packet of information is entered into FCIC/NCIC. If an incident should occur prior to the entry, law enforcement would contact Records Teletype to verify that the respondent was served and personnel would verify service from the Verification System Log by hand.¹²

Florida Statute §28.215 requires clerks to provide ministerial assistance to *pro se* filers, but specifically precludes clerks from providing legal advice. Florida Statute §454.23 prohibits the unauthorized practice of law and provides the penalties for same; this prohibition applies to advocates as well.

Florida Family Law Rule of Procedure §12.610 amplifies the requirements of §741.30, coordinating its requirements with those governing the entry of injunctions for protection against Repeat, Dating and Sexual Violence and against Stalking. In addition, Rule §12.610(b) (2) (A) reinforces the requirement of personal service by a law enforcement agency for all domestic violence petitions and clarifies which documents must be furnished to what law enforcement agency for service of process and Rule §12.610 (b) (2) (C) provides for service of other documents

It was noted that while Florida Statute §741.30(5)(b) prohibits the Court from considering anything other than the sworn affidavit in support of the petition for temporary injunction, Rule §12.610(c)(1)(A) appears to empower the Court to conduct an *ex parte* hearing.

(c) *Orders of Injunction.*

(1) *Consideration by Court.*

¹² Once an order is entered into the system, whether a temporary or permanent injunction, the order remains in the system until a subsequent order is entered by the Court extinguishing the injunction.

(A) Temporary Injunction. For the injunction for protection to be issued ex parte, it must appear to the court that an immediate and present danger of domestic or repeat violence exists. In an ex parte hearing for the purpose of obtaining an ex parte temporary injunction, the court may limit the evidence to the verified pleadings or affidavits or may receive additional testimony under oath if necessary for a determination of whether an immediate and present danger of domestic or repeat violence exists. If the respondent appears at the hearing or has received reasonable notice of the hearing, the court may hold a hearing on the petition.

(emphasis added). The language of this rule, as approved by the Florida Supreme Court, therefore could be interpreted to permit the court to receive additional testimony, including from the victim, in support of an *ex parte* temporary injunction.¹³ That being said, a rule of procedure cannot alter the statutory prohibition on taking *ex parte* testimony for the purposes of a temporary injunction against domestic violence.

In addition to the Florida Statutory and Rule of Procedure scheme, there is also an Administrative Order issued by the Chief Judge in the Seventeenth Judicial Circuit which sets for the procedures, including duties of the Clerk's office. Administrative Order 2013-41-UFC, issued on August 29, 2013 is entitled "Administrative Order as to Domestic Violence Cases." This Administrative Order sets forth additional measures and procedures for domestic violence cases during business hours:

- The Clerk shall assist individuals seeking injunctions for dating violence, domestic violence, repeat violence, stalking and sexual violence.
- The Clerk is obligated to deliver the Court file to a judge to review and for entry of orders within one (1) hour of filing;
- The judge shall review and enter appropriate orders within one (1) hour of receipt of court file;
- If the domestic violence division judge assigned to the file is unavailable to hear a case during the time assigned, another judge shall be assigned.

¹³ It was noted by Committee members that *ex parte* communications to obtain a temporary injunction against domestic violence is fundamental to the current process of obtaining protections. However, for whatever reason, Florida laws and rules require this *ex parte* contact to only be through a written and verified petition, not through testimony.

This Administrative Order also sets forth the “After Hour Civil Domestic Violence Procedures”.

According to the Clerk’s Office, current procedure in the Broward Clerk’s Domestic Violence unit fully conforms to these statutes, rules and the Administrative Order.

Historical Volume of Applications

The Clerk’s office provided the Committee historical data regarding the volume of petition for temporary injunction filings between 2005 and 2015 for Domestic Violence, Repeat Violence, Dating Violence, Sexual Violence and Stalking Violence.¹⁴

On average, the Clerk’s office receives annually approximately the following number of petitions for temporary injunction by category: Domestic Violence 4,100; Repeat Violence 900; Dating Violence 390; Sexual Violence 40; Stalking Violence 1,200. Data was provided outlining the number of those which result in deferrals, denials, final judgments, dismissals. Additionally, counter-petitions occur with some frequency.

Resources dedicated to the Petition for Injunction Against Domestic Violence Process

According to the Clerk’s Office, the Domestic Violence and Pro Se Unit is staffed by nineteen (19) employees. Nine (9) of the nineteen (19) staff members are assigned to a weekly rotational on-call after hours process. The hours of operation are from 8:30 am to 7:00 pm Monday through Friday.¹⁵

Domestic Violence Injunction Judicial Process

History of Domestic Violence Court in Broward County

The Domestic Violence Court for the Seventeenth Judicial Circuit was established in October 1994. Initially, the Seventeenth Judicial Circuit practiced an integrated system where both Criminal and Civil Domestic Violence cases were heard by the felony and misdemeanor judges. Injunctions were heard one day per week by each of the two judges.

However, in response to the growing number of both Criminal and Civil cases filed, the system evolved, with injunction cases set on a separate docket in front of a dedicated Civil division.

The Domestic Violence Court now consists of a Felony division, a Misdemeanor division, and 2 Civil divisions (one hearing 80% five days per week and one 20% one day per week). In addition, Family judges hear Domestic Violence cases related to Family cases and Dependency judges hear Domestic Violence cases related to Dependency cases.

¹⁴ See Appendix G.

¹⁵ See Appendix V and W for a review of the resources to include translation services and the budgets for 2014 and 2015.

The Domestic Violence Court has resources such as the judiciary, clerks, case managers, probation officers, an intake unit, prosecutors, public defenders and victim advocates. Initially, Court Administration held the responsibility for assisting litigants filing for injunction orders. In addition, they provided individual case management for all petitioners, conducted lethality and needs assessments, referred parties to services and provided in court case management for injunction cases. This included monitoring compliance of those ordered to attend batterer intervention, substance abuse, mental health and parenting programs and other relevant services.

In 2004, the Clerk's office became responsible for assisting petitioners filing injunctions. The Clerk's Office provides ministerial assistance to all petitioners. Resource material is provided to all petitioners which includes referral information, safety planning, court preparation and facts about domestic violence. Court Administration remains responsible for in court and compliance case management services, which continues to include service referrals and monitoring respondent's adherence with program attendance.

Judges assigned to Domestic Violence Court (Civil) hear Domestic, Repeat, Dating, Sexual Violence and Stalking Petitions. All Domestic Violence cases are handled and heard at the main courthouse, 201 S.E. 6th Street, Fort Lauderdale.¹⁶

Court Administration and Domestic Violence Case Management Unit

The Case Management Unit was established in October 1994 in conjunction with the onset of Domestic Violence Court.

Current services provided by this Unit include:

In Court: A Case Manager is present at all hearings, assists with order preparation, provides community services information to parties, documents hearing outcomes, helps facilitate the flow of cases listed on the docket.

Prior to Court Hearings: check for service of petitions, motions, etc.; conduct criminal background for all respondents to assist the court for determining which respondent qualified under the statute to be ordered to attend batterer invention program; check in custody status for all parties and coordinate with the jail or other facility to ensure the inmates' appearance at hearing in person or by phone; cross reference in clerk data system to identify related cases and to ensure proper judicial assignment; ensure appropriate language interpreter has been requested.

¹⁶ The Seventeenth Judicial Circuit has three (3) regional (often referred to as Regional) courthouses: (1) North Regional Courthouse, 1600 West Hillsboro Boulevard, Deerfield Beach; (2) West Regional Courthouse, 100 North Pine Island Road, Plantation; (3) South Regional Courthouse, 3550 Hollywood Boulevard, Hollywood. Currently, none of these regional courthouses accept filings of petitions for injunction against domestic violence at these Regional locations (as can be done at four (4) locations in Miami-Dade County). Additionally, none of the Domestic Violence cases are heard at these regional courthouses (as can be done in Miami-Dade County).

Compliance Monitoring: when a party is ordered to attend batterer intervention, substance abuse, mental health programs or other programs they are monitored for compliance with program attendance. If there is a lack of compliance, the Monitor files an affidavit of non-compliance and the case is set for hearing before the judge.

Current process for Victims of Domestic Violence seeking Temporary Injunction Order

There are four methods for a victim to seek a temporary injunction order:

1. Petitioners may come into the Unit's office at the Main Courthouse (201 S.E. 6th Street, Fort Lauderdale), Monday through Friday between 8:30 a.m. and 5:00 p.m.
2. After business hours, Petitioners may contact the after-hours hotline.
3. Petitioners may retain private counsel to file on their behalf.
4. Petitioners may use e-filing through the statewide portal.

In Person Temporary Injunction Process During Business Hours

A victim seeking to file a petition for injunction against domestic violence must travel to the main courthouse at 201 S.E. 6th Avenue in Fort Lauderdale. Once there, the Clerk's office has three (3) windows where victims can outline why they are there and obtain the necessary forms. Petitioners filing in person are provided, free of charge, with all the necessary Florida Supreme Court forms for filing.

Clerk's staff provides all necessary ministerial assistance, but they are prohibited from providing any legal advice.

The Clerk provides translation services to petitioners filing injunctions for protection against violence and for affidavits of violation of injunctions. The interpreter services are executed by certified translators.¹⁷

Victims are cleared by the Clerk of Courts through a system of ensuring that the respondent (or alleged abuser) is not already at the clerk's office in the secure area. Then, once cleared, the victim and children, if present, are escorted to a room containing 15 cubicles.¹⁸ In this area, victims begin the process. Unfortunately, the room is sometimes chaotic due to the nature of the current layout and the number of petitioners

¹⁷ See Appendix U for a list of translated languages.

¹⁸ The Committee notes that beginning in 2004, the Clerk's Office website discouraged domestic violence victims from bringing their children to the courthouse when filing for an injunction of protection against domestic violence. Recently, during the work of the Committee, the Clerk's office removed that advice from the Clerk's website. The Committee emphasizes that the Clerk's office has never been reported to exclude children from Room 248 waiting area. Pursuant to Florida Family Law Rule §12.407, minor children are not permitted to appear as witnesses or attend a hearing without good cause shown.

(and their children). Petitioners are taken into private offices to receive assistance from domestic violence specialists.¹⁹

Clerk's staff does all necessary certifications and takes the Petitioner's oath on verified petitions and affidavits. It is important to remember that all domestic violence petitions must be subscribed and sworn before either a notary or a deputy clerk.

After certification and filing, Clerk's staff prepares the case for review by clerk staff attorneys who review the petition and supplemental documents for legal sufficiency and statutory compliance. Proposed orders are prepared for the Judge's consideration. The staff attorneys also assign hearing dates and times. The file is physically carried to domestic violence judges for review and signing. Currently, during business hours, none of the necessary paperwork is transmitted electronically to the judges. However, the Committee notes that the ability to scan all necessary documents and provide an electronic signature remotely does exist because for after-hours petitions, all necessary documents are scanned and sent electronically to the judges.

The Clerk's Office is working with the judiciary's technology department to fully implement the use of the judicial viewers with the e-signature of orders and having the judiciary e-file their orders. The Clerk currently has the ability to receive electronic orders from the judges. However, the judiciary's technology division (Judicial Information Systems or "JIS") is performing system enhancements to fully implement this process. According to the Clerk's office, they are attempting to determine from JIS the expected completion date of this enhancement; in a meeting two (2) months ago, JIS indicated they were close to completion.

The Clerk's office reports that it has also requested the ability to issue electronic certified copies through the portal. Due to other pressing projects and state mandates, this enhancement is scheduled for early 2016.

There are four designated domestic violence court judges available to review petitions for injunction against domestic violence during normal business hours. Thereafter, a duty judge is designated to review such petitions. If there is a related domestic relations or dependency case, the petition is submitted to the judge assigned to the related case. The Circuit has also implemented Administrative Order 2015-10-UFC with regard to emergencies; if the assigned judge is not available the Office of the Trial Court Administrator will assist with locating another judge to hear the emergency matter,

¹⁹ The Committee notes that when the issue of the privacy rooms was raised during a Committee meeting, more than one advocate challenged the statement by the Clerk's that these rooms were utilized exclusively for all victims. During a site visit, it was confirmed that indeed the rooms were not being utilized for victim privacy four of the five days of a week. Instead, according to Clerk staff during the site visit, the privacy rooms were being used by Clerk's office personnel to collate and process paperwork, scan documents and convert images, and other mandated procedures. Since then, the Clerk's office has re-purposed the privacy rooms so that they may be utilized as intended. This effort by the Clerk's office was welcomed by the Committee.

For the purposes of the petition for temporary injunction there is no *ex parte* hearing and the judge does not take any evidence other than that which is contained in the application and sworn to by the petitioner. If a particular domestic violence judge may be unavailable, the Clerk's staff will then call different judges to find an available domestic violence judge to review the paperwork. There is no automated system for the Clerk's staff to know which judges are available.

After reviewing the case the judge may grant a Temporary Injunction, set the case for hearing without an injunction, or deny the petition.

If the Court grants a Temporary Injunction, the Clerk's staff then makes all required copies, creates packets for service of process and forwards them to the appropriate law enforcement agency.

When a Temporary Injunction has been entered, Clerk's staff prepares a second serviceable "emergency" packet for the petitioner, and instructs him or her to contact local law enforcement immediately upon encountering the respondent. In the event the respondent has not yet been served by BSO, as noted earlier, the emergency packet allows any local law enforcement officer to serve the respondent with the emergency packet.

It is important to remember that no injunction order is enforceable until it has been personally served on the respondent by a law enforcement officer. Florida Statute §741.30(8)(a)(3); Florida Family Law Rule of Procedure §12.610(b)(2)(A).

After-Hours Process for Obtaining Temporary Injunction Order

Between the hours of 5:00 PM and 8:30 AM on Monday through Thursday and 5:00 PM on Friday until 8:30 AM on Monday, and any other day the courthouse is closed victims are able to contact Henderson Behavioral Health Crisis Center (hereinafter "HBH").

According to the Domestic Violence for After-Hours Injunction Training packet that HBH is provided by the clerk and required to use for determination:

The safety and well-being of the caller are of paramount concern and should be addressed before contacting the Clerk's staff for an injunction. In addition, the petition for an injunction is a lengthy document which requires attention to detail. It is important that the petitioner be rested and able to focus on the petition when s/he is filling it out.

A reasonable approach to calls after 10:00P.M. is to:

- make sure the caller has a safe place to stay for the night, if necessary, make appropriate referrals;*

- *on weekends or holidays, ask the caller to make contact with the after hours service in the morning and refer the caller to the courthouse to petition for an injunction;*
- *if the next day is a normal business day for the court, direct the caller to go to room 248 of the courthouse after 8:30A.M. to petition for an injunction;*
- *if the caller insists upon petitioning the court immediately, the process should be invoked.*

If there are children involved and safety and well-being of the children cannot be assured, then the process should be invoked immediately.

The Clerk's staff will only know that a victim is seeking an after hours domestic violence injunction if s/he receives a call from the after hours service. It will take approximately an hour for the Clerk's staff person to arrive at the courthouse from the time the Clerk's staff is called. The injunction documents will take approximately one and one-half hours to complete, and the entire petitioning process may take in excess of 5 hours. Petitioners should be made aware of the time commitment which may impact upon their decision making. If the process is invoked late at night, then the time for completion will significantly increase. The entire process during normal business hours range from less than 3 hours up to 5 hours with an average of about 3 and 1/2 hours, dependent upon the abilities of the petitioner, and the number of petitions being filed that day".

HBH staff members answering the phone and completing the questionnaire with the victims range from non-degreed support staff to masters level clinicians as well as and those whose only training for completing the Emergency After Hours Domestic Violence Restraining Order Questionnaire is the packet provided to HBH by the clerk of the court to aid in determining the statutory definitions of Domestic Violence. HBH staff members are not specially trained in the role of a Domestic Violence advocate.

When HBH receives a call, the staff completes the "Emergency After Hours Domestic Violence Restraining Order Questionnaire", which is the screening tool provided by the clerk of the court to determine if the facts meet the criteria for the statutory definition of domestic violence.²⁰ If the victim needs shelter, they are provided with resources to secure such on their own; however, in certain circumstances, HBH will assist if needed. It should be noted that HBH reports it is very rare that victims ask HBH for needs or shelter.

If community resources (either in the way of an available shelter bed or other family/community resources) are available, the victim is provided the instructions on how to seek a temporary injunction during court business hours. If the caller believes she or

²⁰ See Appendix J.

he is in imminent danger of becoming a victim of domestic violence, the victim is entitled to access the court to petition for an injunction for protection against domestic violence. If the victim is staying with family and meet the criteria, they are still sent for the after-hours injunction.

If it is an emergency and there is nowhere for the victim to go to avoid the risk of harm until the morning, then then the after-hours process with the Clerk's office begins. A member of the Clerk's staff is contacted and assigned to the victim. A member of the Clerk's staff goes to the main courthouse upon notice from HBH of the need for assistance and that person must respond within one (1) hour (or as soon as possible after receiving the call from HBH). The victim has one (1) hour to respond to the courthouse. Upon filing, the Clerk's staff must contact a Civil Duty Judge to review the petition, which can be delivered to the judge via email or facsimile. Thereafter, if granted, the Clerk's office follows the procedures for certifying the orders received by email or facsimile for service and distribution.

According to representatives of HBH, the Crisis Center receives, on average, approximately two hundred and fifty (250) calls per year for emergency temporary injunction assistance after hours. Approximately eighty percent (80%) of these result in referral to the clerk's office personnel and the initiation of a court process after-hours.

Electronic Filing of Petitions for Temporary Injunction Order

The Committee examined the electronic filing ("e-filing") system for the purposes of seeking a temporary injunction order. In 2013, the State of Florida implemented a statewide electronic filing system for judicial filings.

This e-filing system is available to attorneys and "self-represented" (or *pro se*) petitioners seeking a temporary injunction order. However, there are impediments to this system actually being utilized by domestic violence victims including access to the e-filing system with computers and scanners as well as the challenges of learning and utilizing the e-filing process itself for the uninitiated.

First, the Clerk's office reported that since "self-represented" e-filing was implemented in 2014, while it was not possible to be certain, there have been an estimated 4 or 5 petitions in total seeking temporary injunction against domestic violence filed through the e-filing portal.²¹

The Committee also attempted to examine the experience of other counties regarding the use of electronic filing portal for the purposes of seeking an injunction. For instance, in

²¹ The Clerk's office was able to determine the number of documents filed by self-represented individuals, but this does not translate to the number of petitions because each petition will have multiple documents filed. In total, since initiation, there have been 32 documents (not petitions but rather documents) filed by those self-represented through the e-filing portal involving petitions seeking temporary injunction against domestic violence. To give some context, there have been 10,014 documents filed by attorneys since 2013 in the Domestic Violence context and there have been 2,436 documents in total filed by self-represented litigants in civil and family courts since the implementation of the e-filing portal.

Orange County, Florida, while e-filing is available for *pro se* litigants, only one *pro se* litigant has used the electronic filing process for the purposes of seeking an injunction.

Second, while there is information available on line to help a person who is self-represented navigate through the state-wide portal for e-filing of petition for temporary injunction order, the “Self-Represent Litigant E-Filer Manual” is 101 pages.²² http://www.flclerks.com/e-Filing_Authority/Resources/Manuals/Self-Represented_Litigant_E-Filer_Manual_July_2014.pdf

Third, when a petition is e-filed during business hours the Clerk follows the same process as if the petitioner was present during working hours. However, because the assignment of case numbers is not automated, after-hour e-filings are held until the next business day so that the Clerk’s office can physically review the paperwork, conduct required database searches and assign a case number. Therefore, as currently organized, e-filing is not an effective method to address after-hour emergency petitions for injunction against domestic violence.

If granted, a physical court order is printed and certified by the Clerk. The petitioner or advocate must come either come to the main courthouse to pick up the certified copy of the order and the emergency service packet or they may choose to have the order and emergency packet delivered via mail.

Therefore, there was unanimous consensus that the current e-filing system is not a viable method or meaningful option for domestic violence victims and advocates to utilize e-filing as opposed to having to travel to the main courthouse in person for filing.²³

²² See Appendix D.

²³ During the course of the Committee research, one of the Committee participants came across an interesting program intended to streamline the filing and processing of petitions for injunction against domestic violence. <http://courtechbulletin.blogspot.com/2015/05/smart-forms-helping-self-represented.html> While the announcement suggests this is operational in Florida, in a call with a Turbo Court representative: (1) Turbo Court currently has three models of products in various locations around the USA, although for Domestic Violence the majority are being used in Oregon and Chicago, Illinois: Model 1: self-guided interview where the victim answers questions and then prints the document and takes it to the courthouse for filing; Model 2: the document is completed electronically and then emailed to the clerk for filing; Model 3: the forms program is integrated into the local case management system; (2) In Florida, Turbo Court began working in Hillsborough County (and a small amount in Lee County) in May, 2015. To date, around 2 dozen petitions have been filed using the system. They are currently using model 1 where the petitioner answers interview questions and then prints and takes the paperwork to the courthouse for filing in person; (3) Turbo Court has met with the Florida Clerks Association and plans to continue reaching out to that group to expand in Florida. Their goal is to integrate their system into the case management systems and e-filing portals of each court in Florida; (4) Currently, there is no charge for Turbo Courts in Florida. The basic computer code etc. was developed using a grant that was awarded to Oregon and then altered to fit Florida’s needs. In the future, costs would be covered by charging other case types a fee for using Turbo Courts, such as small claims or dissolution, since DV victims cannot be charged a filing fee per statute. In short, this is preliminary information based upon a program in its infancy which may or may not be deployed further.

Domestic Violence Advocates Providing Assistance to Victims

Florida Statute 741.30(7) states:

The court shall allow an advocate from a state attorney's office, an advocate from a law enforcement agency, or an advocate from a certified domestic violence center who is registered under s. 39.905 to be present with the petitioner or respondent during any court proceedings or hearings related to the injunction for protection, provided the petitioner or respondent has made such a request and the advocate is able to be present.

Therefore, encouragement of the use of advocates is embodied in the law.²⁴

Throughout Broward County, there are a number of organizations, both private and public, which support and provide advocates to assist domestic violence victims. In the domestic violence criminal division, there is always an advocate present for the actual court process. However, while many organizations have advocates to assist domestic violence victims, none have advocates specifically dedicated exclusively to the civil process of filing a petition for injunction against domestic violence.

Broward County is diverse from the perspective of having residents from variety of cultures and social-economic conditions. Victims of domestic violence are deterred from seeking court ordered protections for a variety of reasons, including cultural mores related to domestic violence and/or the role of government, immigration status, socio-economic status, lack of safe temporary housing, lack of safe transitional housing, language difference. Advocates work to blunt the consequences of these barriers.

Women In Distress Advocates:

Women In Distress has professional advocates who provide a range of services for survivors and their children and connect them to other community resources for which they may be eligible including legal services, healthcare, housing, mental health services, victims compensation and relocation programs, job training and education programs. The agency works with a number of community partners to provide these services including Legal Aid Service of Broward County and Coast to Coast Legal Services of South Florida, law enforcement, the courts, and other health, education and human service providers.

WID has a longtime partnership with the Broward Clerk of Courts. Advocates are able to assist some survivors with the injunction process and this has been supplemented by trained volunteers who sometimes assist survivors. However, there are not sufficient staff resources to have advocates located at the Clerk of Courts offices at all times. At times, a

²⁴ Importantly, advocates assisting victim survivors of domestic violence are an asset to not only the victims (and their children), but also to the Courts. See Florida's Domestic Violence Benchbook, (2014)

WID advocate will accompany a survivor to Court to provide support but this is not always possible because of a shortage of staff resources.

Among the funded staff positions are two specialized advocates – one who is co-located with the Broward Sheriff Office Child Protective Investigations (CPI) unit and another Advocate that works with BSO on domestic violence cases that are determined to be at highest risk for lethality.

Despite these efforts, advocates are available only to help a fraction of those victims to proceed or who would otherwise proceed through the injunctive process to obtain protections from domestic violence.

Coast to Coast Legal Aid of South Florida

Coast to Coast Legal Aid of South Florida (CCLA) currently has two attorney positions in their Family Law Unit dedicated to representing victims of domestic violence at their Injunction for Protection return hearings. When requested, CCLA will provide a legal consultation if someone would like advice about filing a Petition for Injunction for Protection. However, the vast majority of victims typically file their Petitions for Injunction for Protection before seeking assistance from CCLA. Once a victim's case is accepted for representation, one of the attorneys will accompany the victim to court and represent her/him for the Injunction for Protection case. Transportation services are not provided by CCLA. Limitations of the program include the availability of one of the two attorneys to attend the court hearing and that the victim may be required to meet financial guidelines.²⁵

No More Tears

As indicated previously, the organization No More Tears, among other assistance provided to victims, has an advocate to assist victims of domestic violence through the process of obtaining an injunction against domestic violence. When available, No More Tears will provide a ride to the courthouse and assist the victim through the process.

Local and County Law Enforcement Agencies

Victim Advocates are located in the following agencies in Broward County: Broward Sheriff's Office, Coconut Creek, Coral Springs, Davie, Fort Lauderdale, Hallandale Beach, Hollywood, Lauderhill, Margate, Miramar, Pembroke Pines, Plantation, Sunrise.

Staff varies with agencies having one to two advocates at most, with the exception of Broward Sheriff's Office which has three advocates. Services provided vary with agencies, dependent of staffing levels and

²⁵ CCLA currently has a grant from FCADV to represent only 43 people a year for Injunctions for Protection without looking at their income.

resources available. Services may include the following: provide information and referrals regarding restraining orders; safety planning; information and referrals for additional resources; accompaniment to file the petition; court accompaniment for the hearing if requested by the victim; and transportation to file petition and/or attend hearings. Advocates do not provide legal representation or testimony but instead function only in a supportive capacity.

Some services are limited, and again dependent on agency resources. Not all agencies have the ability to provide transportation. For those that do, it is on a case by case basis due to limited number of advocates available. This also applies to filing and court accompaniment. Most advocates also serve all violent crime victims, as well as other populations, in addition to serving victims of domestic violence. A majority of advocates are also subject to being called-out by their agency if an emergency should happen, making them have to prioritize services they can provide.

Office of the State Attorney Victim Resource Center

The Office of the State Attorney has victim Advocates located in the main courthouse at 201 SE 6th Street. Services include: provide information and referrals regarding restraining orders; safety planning, and information and referrals for additional resources. If time permits, the Advocate may accompany victims to file the Petition and stay with them through the process. These Advocates may provide accompany victims at the hearing if requested by a victim.

These Advocates do not provide legal representation or testimony, and function in a supportive capacity only. Some services are limited depending on availability of advocate. They are also tasked with all of the criminal domestic violence cases, and sometimes have to prioritize those cases over the civil cases as well.

There was unanimous consensus on the Committee that the availability of more advocates to assist domestic violence victims is necessary. However, resources are limited.

During the process of the Committee meetings, a pilot program to train advocates to assist victims of domestic violence in the electronic filing of petitions for injunctions was discussed. This would avert the challenges at the courthouse for those victims who had the benefit of an advocate trained in the electronic filing process. Currently, victims and/or their advocates would still need to go to the main courthouse in order to obtain a certified copy of any order granting a temporary injunction.²⁶ The Committee discussed the potential option of filing at the Regional courthouse locations; however, this would

²⁶ It is true victims could opt to have the certified copy delivered via U.S. mail. However, for many reasons this is not always a viable delivery process for victims.

require the participation and support of the Broward County Board of County Commissioners and the Seventeenth Judicial Circuit.

Current Challenges Facing Domestic Violence Victims Seeking Emergency Protection

For the domestic violence victim seeking a petition for injunction involving domestic violence during business hours, the Committee identified a number of challenges which may serve to discourage victims from seeking protection:

1. Singular Location for In-Person Filing.

Broward is a large county geographically, with over four hundred square miles of planning area (as opposed to the conservation areas). There are an estimated 1,700,000 residents over an approximate 420 square miles of developable land.

However, as outlined above, a domestic violence victim interested in seeking protection through a petition for temporary injunction order must travel to the only location currently accepting filings for petitions, providing the resulting orders of protection and to conduct hearings – the main courthouse at 201 S.E. 6th Avenue, Fort Lauderdale.

The victim must find transportation to and from the main courthouse.²⁷ The victim with children will likely need to transport the children as well or make arrangements for the children. The victim will need to find parking, which depending on the parking lot and the amount of time necessary to fully navigate the injunction process could cost as much as \$20 or more.²⁸

Aside from the actual experience in Broward County, in the Florida's Domestic Violence Benchbook, (2014) identifies issues that the judiciary should consider in the process of a petitioner seeking protections.

²⁷ WID has an agreement with Yellow Cab to provide free cab rides to victims utilizing WID to WID, the courthouse for the purpose of filing a petition for injunction against domestic violence and for hearings related to the petition. This service is predominantly for those in a WID shelter. This agreement is not available to victims who are utilizing services from other organizations.

²⁸ It was reported by some Committee members the new garage associated with the new courthouse, may have fifteen (15) parking spaces allocated for victims filing petition and attending court hearings. This fact was not confirmed by the County Administrator's office and appears to be inaccurate. If accurate, while this would be commendable in the spirit intended, there are a number of serious concerns. First, it is not clear how victims will know in advance that there are dedicated spaces for victims to avoid parking at the various surrounding costly lots. Second, if this area is allocated and well-identified in some manner, there are concerns related to the sufficiency of security so that respondents will not be able to lay in wait. Third, it is not clear this allocation will be sufficient for the volume of victims expected on a daily basis. There was unanimous consensus on the Committee that a better procedure would be to validate parking for victims of domestic violence when they come to the main courthouse to file a petition for injunctions against domestic violence and for the necessary hearings. In fact, as the Clerk of Courts said in regards to parking at the courthouse for victims, "We don't need designation, we need validation".

Given the time frame for processing applications (see below), advocates on the Committee highlighted that a victim could be required to wait the entire day at the courthouse in order to obtain the ruling of the court and obtain a certified copy of the temporary injunction. The alternative of leaving the courthouse and coming back later in the day requires the victim to again arrange transportation and parking. The alternative of having the temporary injunction order being mailed to the victim similarly was not a realistic method of delivery for many victims.

The Clerk of Courts reviewed timelines that indicated the wait time may be dependent on the petitioner's arrival time, number of petitioners filing and the availability of the judiciary. According to the Office of Trial Court Administration, this Circuit makes every effort to have *ex parte* injunctions signed as soon as presented and to locate judges if necessary. The Court's experience is that until recently, the Clerk of Courts has not had sufficient staff to assist petitioners.

2. Child Care

The current area, room 248, where domestic violence victims prepare the petitions and wait for processing is routinely chaotic due to having all victims and children in a single designated area. In the existing courthouse there is not a separate area for children. The Committee was informed that there will be a separate play area for children in the new courthouse but details were lacking, including the area would be supervised.

3. Privacy

During the Committee meetings, the Clerk's office highlighted that there were eight privacy rooms so that the Clerk's staff could meet with the victims privately. Advocates noted, when the Committee began its work, that the rooms that were supposed to be for privacy but were not routinely being utilized for victims.

During a site visit, the Clerk's staff said they had evaluated the use of the "privacy" rooms and learned that many days of the week, due to the enormous workload and effort necessary to assemble and distribute the injunction order packets, these rooms were being utilized to sort the volume of paperwork.

After the draft of the report, the Clerk requested this explanation be included: "The rooms were not exclusively used for privacy meetings with survivors but were used for complex cases, victims with multiple challenges; i.e., mental illness and for meeting with victims when the restraining order room had an overflow. In addition the rooms were fully utilized to scan paper documents to convert them to electronic images,

process e-filed documents and to perform the other mandated functions of the clerk.”

Either way, the Clerk’s office changed the procedures and now there are eleven (11) rooms routinely available for private meetings with petitioners. Additionally, during the pendency of the Committee, the Clerk’s Office hired additional staff to assist with the workload.

4. Length of Time to Process Petitions

The Clerk’s office estimated that if a victim arrives near opening time in the morning, generally the injunction order was obtained by noon. However, if the victim comes in later in the morning, the order may not be obtained until late in the afternoon. As a result, the victim could, as outlined above, be challenged for transportation, child care, loss of time from work and costs associated with parking. During the pendency of this Committee, the Clerk’s Office reports that it hired additional staff and added space to expedite the process.

It was duly noted that one option for victims who are unable to wait is that the order can be mailed to an address. This poses a number of logistical challenges and dangers. First, victims may not be able to wait to have the order in hand. Second, victims may be in a transitional phase regarding temporary housing. Third, mailing an order of protection to the home may result in the victim being exposed to more abuse and/or dangers if received prior to the abuser/respondent being served. Fourth, sometimes the U.S. Postal Service is delayed in their delivery and order and emergency packets are received after the hearing date or not at all. Therefore, utilizing the U.S. Mail for delivery of a temporary injunction against domestic violence is not a realistic alternative to alleviate the delays in processing.

5. Lack of Advocates To Assist Victims

The Clerk’s office, as noted above, is statutorily prohibited from providing legal advice. The Clerk’s office facilitates the availability of Florida Supreme Court forms for victims. The Committee noted that the petition for injunction order packet is not user friendly for the uninitiated. Without assistance, from advocates or otherwise, in navigating the forms and ensuring the correct information is provided, the victim faces great challenges. The Committee notes the Clerk’s Office does guide victims through the process but is unable to provide advice or direct assistance in completing the Florida Supreme Court forms.

On Mondays, considered the typically the busiest day, WID does provide a single volunteer in Room 248 to provide information and referral contacts to victims for shelter/bed availability, counseling services for the victim and their children, crime compensation fund and other resources

that may be available. This volunteer is not an advocate as that term is utilized in this report; the volunteer does not assist in preparing the petition and necessary paperwork or attend hearings.

6. *Electronic Filing System*

While the Clerk's office has met the statutory obligation to provide a system for electronic filing and provides separate manuals and videos to help train self-represented filers on how to electronically file petitions for injunctions, for the self-represented victim (i.e. without the assistance of a lawyer), the statewide portal for electronic filing is not currently a realistic alternative for victims to avoid the challenges associated with the singular location.

Additionally, even if it was possible to navigate and electronically file, the victim would still need to, under the current system, travel to the courthouse to obtain a certified copy (or could have the certified copy delivered via US Mail).²⁹

Changes Initiated During the Committee Process

During the course of Committee meetings and efforts, the Clerk of Courts for the Seventeenth Circuit was a valued and important member. The Honorable Howard Forman attended and participated in Committee meetings along with Chief Administrator Iris Siple and leading supervisors in the area of the domestic violence at the Clerk's office. The Clerk's office provided significant assistance in terms of data and tours to members of the Committee who were not as familiar with the Injunction process for victims of domestic violence.

Importantly, as part of the Clerk's Office continual effort to augment the services provided to victims of domestic violence in Broward County the following was implemented during the course of the Committee work:

- The Clerk created four (4) additional positions in the Domestic Violence division. The Clerk is in the midst of staffing these positions.

²⁹ The Committee notes, by analogy, "E-warrants became effective July 1, 2013. This legislation amended Florida Statutes 901.02 and 933.07 to authorize electronic application for an arrest warrant or search warrant if the application is supported by the affiant's oath or affirmation, bears the affiant's electronic signature and is submitted to the court by reliable electronic means. Judges can now electronically issue arrest warrants and search warrants. The new language says that a warrant is deemed issued when the judge affixes the judge's signature, or electronic signature, to the warrant. It also incorporates the definition of "electronic signature" in F.S.S. 933.40 and amends the requirements for issuance of an arrest warrant in F.S.S. 901.02, to specify that a judge must review the complaint and all proofs submitted to determine if probable cause exists for any crime committed within the court's jurisdiction." See 2013 Legislative Summary authored by FDLE, Office of General Counsel. Committee members noted this system is working extremely well in Broward County thanks to the cooperation of the SAO and the Judiciary. Warrants are received back signed by the judges quickly and without delay. There is no technological reason valid, electronically executed and certified injunction orders (either by e-seal or as currently certified) could not be obtained at designated locations remote from the main courthouse.

- The Clerk has revamped the use of space in room 248 to accommodate additional staffing and increase privacy provided to victims filing injunctions.
- The Clerk has revised the Clerks website to incorporate a user friendly Domestic Violence quick link to access updated information referencing Injunctions for Protection.

The Clerk believes these enhancements will benefit the *pro se* litigants by expediting the process of filing injunctions, increasing privacy for victims and other services provided. These services include the processing of ancillary documents, affidavits of violations, motions and supplemental petitions. In addition as paper documents are converted into electronic documents, the case management system is updated with party and attorney information and the progress docket is updated with the case activity and images.

Injunction Hearings

At the time of granting an *ex parte* temporary injunction order, the Court will set a “15-day” hearing where the Court will take evidence from the Petitioner (i.e. victim) and the Respondent (i.e. alleged abuser).

Domestic Violence Court hearings are currently heard at the main courthouse in Fort Lauderdale, the majority of which are held on the eighth floor of the current courthouse building. This hallway is infamous to those who work in the system of domestic violence.

The book utilized to train new judges in Domestic Violence Court highlights concerns to be considered in any security plan:

It is extremely important that these individuals be able to seek relief without having to confront the person from whom they are seeking protection. Confrontations between the domestic violence victim and perpetrator can occur in the parking lot of the courthouse, the hallways and stairways of the courthouse, as well as in the courtroom. During family proceedings where domestic violence is a factor, court security officers should always be present in the courtroom, and constantly monitoring the waiting areas, hallways and stairways.

Florida’s Domestic Violence Benchbook, (2014).

Currently, in the Broward County Courthouse, the hallway outside the courtrooms where injunction hearings are conducted is routinely populated by both victims and alleged abusers in close proximity. Advocates and court personnel consistently reported concerns about this design. Advocates recounted dramatic and emotional encounters, as well as the high level of stress for victims (and advocates) from this design. Efforts to move alleged abusers to an off-shoot hallway, while laudable, moved the alleged abusers to an area in front of the bathrooms closest to the hearing rooms and still within sight of

the victims. The Committee notes there are bathrooms in other parts of the floor, but those are out of the sight of the courthouse bailiff thus raising other potential security issues. The Committee believes this situation must be remedied in the new courthouse.

The Committee notes that Florida's Domestic Violence Benchbook, (2014) has recommended protocols addressing the obvious and foreseeable safety concerns:

Use a courtroom rather than chambers for domestic violence injunction hearings and do have law enforcement officers present. If in chambers, do not place parties in close proximity to avoid unseen kicking or intimidation through eye contact or gestures.

Physically separate the petitioners and respondents in the waiting area and in the courtroom to ensure that there is no verbal or physical intimidation by the respondent. Ideally, they should be separated in designated areas.

Have the petitioners leave the courtroom before the respondents in order to lessen the risk of post-hearing danger. Allow adequate time so the petitioner is not followed into and leaving the parking lot.

Use the services of a victim advocate in the courtroom and waiting area.

(emphasis added).³⁰

This potential interaction between the petitioner and the respondent outside the hearing is made all the more challenging when the courts do not start on time and victims come to the courthouse early. First hearings are scheduled at 8:30 A.M. However, according to victim advocates, because hearings often start after 9:00 A.M., there are times when there is no BSO courtroom bailiff present resulting in no oversight of the hallway during that time.

There is a BSO courtroom bailiff who is dedicated to overseeing the docket and who has line of sight over parts of the areas where victims and alleged abusers are located. However, this bailiff is not there primarily for security and is not armed.

For those alleged abusers who are in custody, because of the current design of the existing courthouse where these hearings are conducted, rather than being transported

³⁰ Additionally, the Office of the State Courts Administrator's Office of Court Improvement has issued a Family Court Security Resource Guide detailing the need for security and adequate security plans for family court. See Florida's Domestic Violence Benchbook, (2014). One of the recommendations included "**Separate and Secure Waiting Rooms.** *Separate and secure waiting rooms for petitioners and respondents will provide domestic victims with a sense of security by minimizing the frequency of contact with the other party. Waiting rooms should be located near a main security checkpoint of the family court where security officers are stationed and readily available. Waiting rooms should also be equipped with panic buttons and remain locked when not in use.*"

through a secure area, the alleged abusers are guided (in handcuffs) in front of victims in the hallway. This further exacerbates the existing tensions in the hallway.

With respect to the current 8th floor concerns raised by the Committee, BSO reports it does not have staffing to dedicate armed deputies to the 8th floor as recommended.

In past few months a policy has developed such that, if requested, victims are currently offered the opportunity to wait for their hearing in the courtroom, rather than sitting in the hallway. However, there are concerns related to this plan. First, this is offered to petitioners who request because they do not feel safe, as opposed to a plan or procedure for all victims. Second, while the victim may be invited to sit in the courtroom, this is not necessarily optimal for the Court or the victims. Some victims will have witnesses who will not want to remain in the hallway. Some victims, having no alternative, may bring children to the courthouse; children are prohibited from being in the courtroom. Third, compounding the problem, the courtroom is small and sound interference from the benches is frequently observed by courtroom personnel. Fourth, it is rational to assume that from time to time the victim may need to step out of the courtroom (phone calls, biological breaks, emotional reasons), thus inviting the same problems currently experienced on the 8th floor.

While the Committee appreciates the steps taken recently, this is far from optimal for the victims, the advocates, their lawyers, witnesses, court personnel and judges. The Committee recognizes this is a space and resource issue which the Committee was hopeful, given the long-standing and well-known dynamics of the current 8th floor, would be adequately addressed in the new courthouse plan. Unfortunately, as will be seen below, it does not appear a verifiable plan has been established to fully address the concerns of the Committee.

Over the years, the availability of Sheriff Department Deputies to escort victims through the courthouse and to outside transportation areas has fluctuated. Based on feedback from in court case management staff, when requested, petitioners are escorted. The request may be from the petitioner or based on the severity of the case, or it may be by an Advocate or other staff.

When these hearings were held in the larger courtrooms, petitioners were seated on one side of the courtroom on the back benches and respondents were on the other of the benches. A bailiff stood at the back of the courtroom between the parties and another stood between the parties who were testifying. However, in smaller civil courtrooms, there is no bailiff between the between the petitioners and respondents.

New Courthouse Design Changes To Be Adopted

The Seventeenth Judicial Circuit has a new courthouse structure slated to being operations in March of 2016.

According to the County Administrator's office, in collaboration with Court Administration, and the Clerk of Courts and with feedback from other stakeholders, a

plan was developed to address concerns related to the physical layout for domestic violence court.³¹

Importantly, the proposed plan is meant to separate victims and respondents in domestic violence cases prior to and during the hearings. Domestic Violence cases are scheduled to be heard in the domestic violence courtroom on the 4th floor of the new tower.³² Under the current plan for the new courthouse, the respondents who are not in custody will be instructed to go to a separate room (a converted deposition room). The respondents will be notified electronically to appear in the courtroom. In custody respondents will be transported by Detention Deputy via a security corridor that is separated from the public and judges. This is similar to what currently occurs at the North Tower area for criminal cases. According to the County Administrator's Office, appropriate security staff will be in place for Domestic Violence cases. It is reported there is a child waiting area in the new tower, but the details of such were not available.

The Committee had some observations regarding this plan. First, the respondents may be encouraged to wait in such a dedicated room, but there is no motivation for them to voluntarily accede to this plan. Generally speaking, the victims are the ones who wish to have separation for obvious reasons. Second, while the victim may be invited to sit in the courtroom, this is not necessarily optimal for the Court or the victims. Some victims will have witnesses who will not want to be left out in the hall. Some victims, having no alternative, may bring children to the courthouse; children are prohibited from being in the courtroom. Third, it is rational to assume that from time to time the victim may need to step out of the courtroom (phone calls, biological breaks, emotional reasons), thus inviting the same problems experienced on the 8th floor currently. Fourth, as to the child waiting area, there were no specifics as to whether or not access is restricted to petitioners and what security is in place.

With respect to the Clerk of Court's space in the new courthouse, according to the Clerk's office, the Clerk, in an effort to meet the growing need for services in the domestic violence area, has acquired space that is almost double what was originally available. The Clerk explains this additional space will provide several enhancements: (1) there are additional offices added as a result of the increased square footage to afford victim privacy; (2) the Pro-Se windows and Domestic Violence windows are in separate areas; (3) petitioners will not need to share space in a line with individuals in need of Pro-Se family law forms; (4) the Domestic Violence window has a seating area to increase comfort, if there happens to be a line; (5) the restraining order room has more than one entrance/exit and the layout provides a relaxed space for completion of affidavits of violation, motions and other supplemental filings.

³¹ The Committee notes that according to BSO, they had no input into the design layout for the new Judicial complex. As such, BSO takes the position that unless the County provides the economic resources to sufficiently staff the new complex, BSO can only adapt accordingly.

³² The Committee members noted that there is a single courtroom for domestic violence hearings involving petitions for injunction against domestic violence. The Committee is concerned that there should be two (2) courtrooms. According to the Office of Trial Court Administration, additional domestic violence courtroom space is being discussed for allocation in the North Wing.

With respect to security staffing levels, according to BSO, they have requested the County to increase the staffing levels by fifty deputies prior to the opening of the new 20 story judicial complex. BSO states this will put Court Services Division near the bottom end of the “Best Practices” range as enumerated in several reports completed by the United States Marshall’s Service, National Sheriff’s Association and the National Center for State Courts. As explained by BSO, each of these reports recommends one armed deputy per judge.

Broward County currently has a mix of 102 judges, magistrates and hearing officers. There are presently 29 DLE deputies to cover the current Central, North wing complex, Mid-rise building/parking garage and three Regional courts. From a historical perspective, in 2009, there were 35 deputies assigned to the division.

According to BSO, the new 20-story Judicial complex will open, further straining their limited manpower. Currently, there are only two fixed posts at the entry points to the central courthouse, all other deputies respond to calls for service within the courthouse complex.

Domestic Violence Shelters and Resources throughout the County

Throughout Broward County, there are various groups that provide direct services and referral services to domestic violence victims and the children of victims:

It is important to note, while not part of the mission statement of this Committee, a shortage of all resources for victims and children were noted by virtually all of the Committee participants, including: a shortages of advocates and free attorneys available to assist victims through the legal process, clerk staff dedicated to domestic violence processes, interim safe housing, emergency shelter beds, transitional housing, affordable housing, free supervised visitation services, free therapeutic visitation services, safe exchange programs, free and/or affordable daycare, free transportation to court and services, centralized services and a lack of resources to assist with the myriad of other challenges victims face when leaving an abusive partner.

New Jersey Model for Temporary Restraining Orders

In January 2015, National Public Radio reported on a successful pilot program in Paterson, New Jersey involving the deployment of technology to make the process of seeking an injunction order less intimidating and more streamlined.

The inspiration for the pilot program was the recognition by emergency department health workers that victims being treated for injuries secondary to abuse were often reticent to seek court-ordered protections due, in part, to the process of navigating the court system. In the pilot program, a video link is established in a safe area in a hospital so that a victim could be linked with a domestic violence hearing officer.³³ The hearing

³³ The Committee also reviewed a recent article in the Annals of Emergency Medicine, entitled “Managing Intimate Partner Violence in the Emergency Department”. See Appendix L. This article noted that intimate partner violence is a common presentation in emergency departments and concluded it is important for emergency department personnel to screen for partner violence injuries. Further, the article highlighted the

officer is able to see and speak to the victim and process the restraining order within forty five minutes.

According to the New Jersey Court website and a press release from 2011:

The program was piloted in the Passaic Vicinage in partnership with St. Joseph's Regional Medical Center in Paterson and has expanded to include hospitals in Camden, Essex, Gloucester, Hudson and Union counties and safe houses in Atlantic, Bergen, Burlington, Camden, Essex, Middlesex, Monmouth, Morris and Passaic counties.

The programs are funded with \$172,174 through the federal Violence Against Women Act (VAWA), which is administered by the New Jersey Division of Criminal Justice within the New Jersey Department of Law and Public Safety.³⁴

As was reported by National Public Radio on January 5, 2015:

When the program began four years ago, it was the first of its kind in New Jersey (and has since been replicated at hospitals across the state). Soon it will be the first program to be available around the clock. A judge will be on call by iPad at night and on weekends, when most domestic violence victims show up at the hospital.³⁵

As noted by the lawyers on the Committee, Florida law is significantly different from New Jersey law thus preventing the deployment of an identical process in Florida. Notably, the temporary injunction petition process in Florida is similarly *ex parte*; however, the current Florida statute prohibits victims of domestic violence from providing oral testimony in an *ex parte* hearing through a purely electronic means as is available under New Jersey law. In Florida, the victim writes an affidavit describing the reasons for seeking an injunction and swears that what she/he has written in the petition is true under penalty of perjury.

need to provide referral resources and support to assist these victims. As a result, health care personnel, both in the hospital and office-based setting, should be aware of the process for victims to seek court-ordered protections.

³⁴ See <https://www.judiciary.state.nj.us/pressrel/pr111103a.htm>. See also "Judiciary Releases Video on Domestic Violence Program" (10/17/2013), <http://www.judiciary.state.nj.us/pressrel/2013/pr131017a.htm>; <https://www.youtube.com/watch?v=hUY1eSRJkpo>.

³⁵ See <http://www.npr.org/sections/health-shots/2015/01/05/374577725/a-restraining-order-can-be-just-a-videoconference-away>. However, the Clerk's office made some calls to confirm the scope of the program. According to the Clerk's office, the program is a voluntary program amongst the various county clerk's offices. It was reported by the Clerk's office that Passaic County is the only county currently operational and only during the hours of 8:30 am to 4:30 pm. There are plans to expand the program to afterhours. Hudson County has the camera system working on the hospital side but not on the court side. According to the Broward Clerk, Camden County is still considering whether or not to implement the program.

The New Jersey Prevention of Domestic Violence Act, NJSA 2C:25-17 *et seq.*, sets forth the statutory procedures and protections for victims seeking restraining orders. New Jersey Rule 5:7A(b) permits the issuance of a temporary restraining order through electronic communications.

- *A judge may issue a temporary restraining order upon sworn oral testimony of an applicant who is not physically present.*
- *Such sworn oral testimony may be communicated to the judge by telephone, radio or other means of electronic communication.*
- *The judge or law enforcement officer assisting the applicant shall contemporaneously record such sworn oral testimony by means of a tape-recording device or stenographic machine if such are available; otherwise, adequate long hand notes summarizing what is said shall be made by the judge.*
- *This sworn testimony shall be deemed to be an affidavit for the purposes of issuance of a temporary restraining order.*
- *A temporary restraining order may issue if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown.*
- *Upon issuance of the temporary restraining order, the judge shall memorialize the specific terms of the order and shall direct the law enforcement officer assisting the applicant to enter the judge's authorization verbatim on a form, or other appropriate paper, designated the duplicate original temporary restraining order.*
- *This order shall be deemed a temporary restraining order for the purpose of N.J.S.A. 2C:25-28.*
- *The judge shall direct the law enforcement officer assisting the applicant to print the judge's name on the temporary restraining order.*
- *The judge shall also contemporaneously record factual determinations.*
- *Contemporaneously the judge shall issue a written confirmatory order and shall enter thereon the exact time of issuance of the duplicate order.*

- *In vicinages where an approved form of electronic temporary restraining order is utilized and prepared electronically by the municipal court judge on a notebook computer or other device, the temporary restraining order may be transmitted electronically without need for a duplicate written order.*

See Appendix R; S.

Other Models in Florida

From the work and research of the Committee, it was noted that there were not any markedly different processes or programs throughout the State of Florida. However, there are some distinctions which, if implemented in Broward County, could improve the process for victim survivors of domestic violence (and their advocates and counsel) and address certain Recommendations of the Committee.

In Miami-Dade County, there are four (4) locations throughout Miami-Dade County where domestic violence victims may file petitions for injunction against domestic violence.³⁶

There are a total of seven (7) circuit judges who review the restraining order petitions and are these judges are located at the various court houses. The judges rotate each day, so if they are not located at the place where the petitioner filed, then the petition is sent electronically to a judge. The judge who reviewed and granted a temporary injunction will be the judge assigned to preside over the remainder of the proceedings.

It was noted that the 15-day hearing will be at the courthouse where that judge is located, and not necessarily where the victim filed the petition for injunction. The only reason that judge would not preside over that case is if the parties included in the hearing have an open case in family court services (i.e. divorce), in which case the petition for injunction would be assigned to existing judge and would be heard in that courtroom in accordance with the Uniform Child Custody and Jurisdiction Act.

³⁶ Lawson E. Thomas Courthouse Center, 175 NW First Avenue (hours: Monday – Thursday, 9:00 a.m. to 8:45 p.m. and Friday 9:00 a.m. to 4:45 p.m.); Hialeah District Court, 11 E. 6th Street (hours: Monday – Friday 9 a.m. - 4 p.m.); North Dade Justice Center, 15555 Biscayne Boulevard, N. Miami Beach (hours: Monday – Friday, 9 a.m. - 4 p.m.); South Dade Government Center, 10710 SW 211th Street (hours Monday – Friday 9 a.m. - 4 p.m). Please note the Lawson E. Thomas Courthouse Center accepts filings Monday through Thursday until 8:45 p.m.

Committee Consensus and Recommendations³⁷

Consensus Point #1: There is a need to provide additional safe locations where victims are able to file and process petitions for injunction against domestic violence.

There are certainly efficiencies generated for the Clerk's office and Domestic Violence Court by the current singular location for filing of, and hearings related to, petitions for injunction against domestic violence. However, as outlined herein, for a County the size of Broward County, having only one location for in-person filing is an impediment to victims of domestic violence seeking protections and is unacceptable. There are three (3) Regional courthouses.

As identified herein, because of the singular location, the volume of filings and the physical nature of the processing of these petitions, victims, children and advocates (when available) may spend several hours or the entire day in the Broward County main courthouse awaiting a decision. This entire process could result in victims being discouraged from seeking protections, particularly those who have been through the process or if the petition is denied for some reason.

As noted, there are resource challenges associated with deployment of Clerk's staff throughout the county and the lack of proximity of Domestic Violence Court Circuit Court judges at the Regional courthouses. This is particularly true because of the current process of physically transmitting petitions and the attendant files to the judges upon the filing of a petition. The Clerk's Office notes existing Clerk staff could be reassigned to Regional locations and the Clerk's office would have no difficulty communicating files to the Judges at the Regional locations.

The Committee recognizes that any solutions on this Consensus item will require participation and support from the Broward County Board of County Commissioners, the Seventeenth Judicial Circuit and the Clerk of Court. However, Miami-Dade County presently utilizes four (4) locations for the filing of petitions for injunction against domestic violence (as well as conducting hearings at these different locations).

Recommendation(s) on Consensus Point #1:

At the outset, the Committee recognizes implementation of some Recommendations will require long-term strategies and significant cooperation. However, there are some steps which can be taken in the interim. Therefore, many of these Recommendations should be implemented on parallel tracks.

³⁷ These Consensus Points and Recommendations are focused on those issues facing victims of domestic violence in the effort to seek court-ordered protections from domestic violence. The Committee notes that many of these Consensus Points and Recommendations could also benefit victims of dating, sexual, repeat violence and stalking who similarly navigate through the system to obtain protections through injunctions. In addition, the Committee notes that while many of the Consensus Points and Recommendations focus on the filing of the initial petition for injunction against domestic violence and obtained orders related thereto, any potential improvements may also apply to extensions of temporary injunctions, where the petitioner must now go from the Courtroom to Room 248 (Clerk's Office) to obtain the extension, a new hearing date and update of the emergency service packet.

1. Implement Legislative Changes to Allow the Full Deployment of Technology to Streamline the Process for Victim Survivors of Domestic Violence.

It is time to reevaluate the current antiquated system of *ex parte* communications for the purposes of obtaining a petition for injunction against domestic violence. No matter how the need for emergency protection is communicated, whether through a verified petition only or through a petition and opportunity to interact with a judge or hearing office, the communication is still *ex parte*. However, the current statutory scheme is an impediment to deploying available technology (similar to the New Jersey model) to streamline the process and to address the various factors which may discourage victims from seeking necessary protections. The overriding focus should be to ensure every victim is able to decide whether or not to seek protections predicated on the merits of needing protection, as opposed to whether or not they can endure the process of obtaining that needed protection.

Legislative changes may include amendments to various sections of Florida Statutes §741.30, and §28.215 (2014) and rule changes to Florida Family Law Rule of Procedure §12.610.

2. Expand E-Signature for Judicial Execution of Injunctions.

As referenced herein, steps have been made to facilitate the judiciary's ability to electronically sign orders and deliver those to the Clerk's office. The Committee made reference to the e-warrant system. In the context of domestic violence injunction petitions, the after-hours process currently deploys such technology so that the judiciary need not travel to the courthouse. The implementation of E-Signature should proceed rapidly to include for all injunction orders on petitions for injunction against domestic violence.

3. Utilize Regional Courthouses for Filing of Petitions.

Perhaps the most productive immediate change, which would be universally welcomed by the advocates, would be to permit filing of petitions for injunctions against domestic violence at the three (3) Regional courthouses – Plantation, Deerfield and Hollywood. This would expand from one (1) single location to four (4) locations for filing.

The Clerk's office unequivocally supports and endorses this recommendation and notes this could be implemented with minimal impact on the Clerk's office. In fact, the Clerk of Courts would propose to provide this for after-hours filing as well, noting that it would require some coordination but clerk employees could be deployed to the particular regional courthouse chosen by the victim.

However, because of the physical nature of the during hours petitions, maximizing the change would require Circuit Court judges to either be able to utilize technology (e-signature and review of scanned pleadings) or for the judiciary to deploy Circuit Judges in the Regional locations. These technological advancements appear to be on the near horizon and are deployed after-hours presently.

Further, implementation of this recommendation may require the participation and support of Broward County Board of County Commissioners, the Seventeenth Judicial Circuit, and BSO.

The Committee notes there would be an absolute need to clarify for victims that while they filed the petition and received the injunction order at one of the regional courthouses, the 15-day hearing would be at the main courthouse. This is a high potential for confusion and this would require the notice to be prominent and explained directly.

4. Utilize Regional Courthouses for Production of Certified Orders and Emergency Packets.

Allowing victims (and/or their advocates) to alternatively pick-up the entered temporary injunction against domestic violence and the necessary emergency packet at Regional courthouses would reduce, for some, the time necessary to be at the main courthouse, reduce parking expenditures, and reduce issues surrounding Room 248 as victims wait for orders. According to the Clerk's office, this is a recommendation which can be implemented. This recommendation was universally supported by the advocates.

5. Develop and Implement Process To Provide Certified Copies and Emergency Packets at Designated Approved Locations.

The Committee recommends ultimately establishing a system whereby electronically certified injunctions and emergency packets can be available at participating police stations, through Records Divisions or otherwise. Records Divisions of police departments would be able to print electronically certified injunctions and produce the emergency packets for victims. This would allow the victims to file their petitions (either physically or through e-filing) and travel to a local police station, if they chose to do so, to obtain a valid injunction order and emergency packet at a police station most convenient for the victim and/or advocates.

As noted in this Report, Florida Statute §741.30(8)(a)(1) contemplates that a facsimile of a certified injunction may be served in the same manner as a certified copy. Additionally, the e-warrant process is working effectively.

As discussed, Florida Statute §28.071 does not prohibit an "electronic seal". According to research performed, the Office of the State Courts Administrator's Office says that an electronic seal meets the statutory requirements of Section 28.071, which is confirmed by the Broward Clerk of Court. The Clerk indicates that the Clerk's office is working with a vendor to fully implement, among other electronic stamps, an electronic certification.

According to the Clerk, due to other pressing projects and state mandates, the deployment of electronic seals/certifications is scheduled for some time in 2016. The Committee recommends this project should be expedited.

However, the Clerk does not believe this particular Recommendation is entirely a viable option at this time without a statutory, rule and/or administrative order amendment.

First, according to the Clerk, the Clerk has statutory duties as identified in Florida Statute §741.30(2)(c)(5) : “The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.” Since this is a Clerk identified duty, the Clerk does not believe the proposal of having participating police department Records Division perform this function is a viable option at this time.

The Committee notes, while the Clerk has a duty to certify that the Petitioner received a copy of the order by hand delivery or by mail, there is also an opportunity per the Florida Supreme Court forms for the petitioner to designate an email address for receipt of the certified copy. This verbiage is standard language on the Florida Supreme Court forms.³⁸ However, for the *pro se* petitioner, designating an email address for the purposes of delivery of the injunction against domestic violence currently means that email address would be utilized for all future correspondence and service of pleadings.

The Committee recommends, in an effort to implement this recommendation, consider either (1) the alternative of email delivery of a certified injunction order per the Florida Supreme Court form, perhaps through an amendment to Family Law Rules; (2) the entry of an appropriate Administrative Order allowing specifically the delivery of certified copy of the injunction via a designated email; and/or (3) a statutory amendment to Florida Statute §741.30(2)(c)(5). The goal would be to implement this Recommendation and allow the Clerk to transmit a valid injunction order with electronic seal to participating police departments for delivery to petitioners.

As to the Emergency Packet, there is no statutory requirement that the emergency packet be sealed by the clerk. However, there is a requirement that for the purposes of service of an order through the emergency packet that ALL pleadings and notices be provided for the purpose of service on respondent. The issues surrounding the production of the emergency packet remain as a challenging impediment to full deployment of technology as police departments may be hesitant to be responsible for ensuring every necessary document in the emergency packet is provided to the petitioner for fear that failing to do so could jeopardize the validity of any service through the emergency packet³⁹.

³⁸ The Clerk notes, per an Attorney General opinion, they are unable to deputize clerks. See Op. Att’y Gen. Fla 1995-33. However, a closer reading of the 1995 Attorney General Opinion reveals that the Attorney General opined that a Clerk could deputize a third party, but could not do so for only a narrow purpose within the availability of powers afforded to the Clerk by Constitution. Additionally, the question in AG Opinion 1995-33 was whether or not a Clerk could deputize a private party to the sole purpose of issuing marriage certificates. The Committee believes, to the extent the issue is not resolved in another manner, the Clerk should obtain a new Attorney General opinion as to whether or not the Clerk could deputize a participating Police Department Records Custodian or specific designees for the purposes of certifying orders with an electronic seal and generating a valid enforceable injunction.

³⁹ Local law enforcement is only permitted to serve a respondent if it is part of the emergency packet process. It is not known what percentage of respondents are served through the emergency packet process as opposed to through BSO civil division. Advocates believe the percentage is below 15% are served through emergency packet. In addition, as noted by the advocates, even if e-filing is better deployed and valid injunctions are available electronically, the need for the emergency packet will still require the

6. Expand E-Filing Training.

To encourage filing of petitions for injunction against domestic violence at remote locations (including police stations and domestic violence victim survivor advocacy centers), a concerted effort should be made to expand the number of advocates trained and experienced in the electronic filing of petitions for injunction against domestic violence. The ability to file petitions for injunction against domestic violence remotely currently exists. However, the necessary training at safe locations for advocates should be expanded. The Clerk’s office agreed to work with stakeholders to initiate a training program, which would then allow those trained to train others.

Of course, as the Committee noted, even if e-filing is more available and utilized more often, victims presently still need to go to the main courthouse to obtain the certified copy of the injunction and the emergency packet. If the regional courthouses are made available to obtain the certified copy of the injunction and emergency packet, this would provide some additional convenience.

7. Validate Parking for Victim Survivors of Domestic Violence Seeking Injunctions and for Final Hearings.

Because the cost of parking is an issue for victims (and their advocates), necessary authority should be granted to the Clerk’s office to validate parking for victims of domestic violence (and their advocates) who park in the County parking garage after the filing of a petition for injunction against domestic violence, whether granted or not. Additionally, victims (and their advocates) who attend 15-day hearings and who park in the County parking garage should have their parking validated by the case manager.

8. Develop Partnerships for Transportation.

Because transportation is a significant issue for domestic violence victims, the Committee recommends a comprehensive program to assist victims. Women in Distress currently has a voluntary partnership for some aspects of transportation. Expansion of this partnership to include all victims seeking to file a petition for injunction against domestic violence and to attend hearings should be considered.

9. Utilize Regional Courthouses for Hearings on Petitions.

As is done in Miami-Dade County, consideration should be given expeditiously to expanding the sites for hearings on domestic violence injunctions to include the three (3) additional Regional courthouses. This would require the participation and support of BSO, Broward County Board of County Commissioners, the Clerk of Courts, Court Administration, the Judiciary of the Seventeenth Judicial Circuit and the State Attorney’s Office (because victim advocates often attend the hearings). However, as has been demonstrated in Miami-Dade County, such a system of multi-site filing and hearings is possible.

victims to go to a location designated by the Clerk; presently that is the main courthouse, but could include the regional courthouses going forward.

Consensus Point #2: The current state-wide system for electronic filing of petitions for injunction against domestic violence is not user friendly for *pro se* victims of domestic violence and, therefore, is not a meaningful opportunity for *pro se* victims to avoid in person filing at the singular location in the County.

As noted herein, the process for electronic filing is cumbersome for the uninitiated and requires access to a computer and scanner, some training and some level of underlying technology skills. Practically speaking, this is not a meaningful portal for victims filing a petition seeking protections from domestic violence.

However, the Committee agreed that through a program of training domestic violence advocates at shelters, hospitals and law enforcement agencies, victims could be assisted by those trained advocates at these remote and safe locations to navigate the e-filing portal and file the petition for injunction against domestic violence on behalf of a victim for the Clerk of Courts to process.

This procedure could be utilized both during business hours and after hours, with the potential to reduce resources being deployed at the courthouse. This would require technology being implemented to avert the need for Clerk's office on call staff from having to physically travel to a singular location to process the file.

During the Committee process, the Clerk's office and Women In Distress began a dialogue whereby advocates from Women In Distress could be trained on the use of the electronic filing portal for the filing of petitions for injunction against domestic violence, where the filing could be conducted at Women In Distress facilities. Technology requirements and procedures for obtaining certified copies would need to be considered. However, the Committee encourages the development of this pilot program beyond Women In Distress.

Recommendation(s) on Consensus Point #2:

1. Expand E-Filing Training

To encourage filing of petitions for injunction against domestic violence at remote locations (including police stations and domestic violence victim survivor advocacy centers), a concerted effort should be made to expand the number of advocates trained and experienced in the electronic filing of petitions for injunction against domestic violence. The ability to file petitions for injunction against domestic violence remotely currently exists. However, the necessary training at safe locations for advocates should be expanded. The Clerk's office agreed to work with stakeholders to initiate a training program, which would then allow those trained to train others.

Of course, as the Committee noted, even if e-filing is more available and utilized more often, victims presently still need to go to the main courthouse to obtain the certified copy of the injunction and the emergency packet. If the regional courthouses are made available to obtain the certified copy of the injunction and emergency packet, this would provide some additional convenience.

2. Utilize Regional Courthouses for Production of Certified Orders and Emergency Packets.

Allowing victims (and/or their advocates) to alternatively pick-up the entered temporary injunction against domestic violence and the necessary emergency packet at Regional courthouses would reduce, for some, the time necessary to be at the main courthouse, reduce parking expenditures, and reduce issues surrounding Room 248 as victims wait for orders. According to the Clerk's office, this is a recommendation which can be implemented. This recommendation was universally supported by the advocates.

3. Develop and Implement Process To Provide Certified Copies and Emergency Packets at Designated Approved Locations.

The Committee recommends ultimately establishing a system whereby electronically certified injunctions and emergency packets can be available at participating police stations, through Records Divisions or otherwise. Records Divisions of police departments would be able to print electronically certified injunctions and produce the emergency packets for victims. This would allow the victims to file their petitions (either physically or through e-filing) and travel to a local police station, if they chose to do so, to obtain a valid injunction order and emergency packet at a police station most convenient for the victim and/or advocates.

As noted in this Report, Florida Statute §741.30(8)(a)(1) contemplates that a facsimile of a certified injunction may be served in the same manner as a certified copy. Additionally, the e-warrant process is working effectively.

As discussed, Florida Statute §28.071 does not prohibit an "electronic seal". According to research performed, the Office of the State Courts Administrator's Office says that an electronic seal meets the statutory requirements of Section 28.071, which is confirmed by the Broward Clerk of Court. The Clerk indicates that the Clerk's office is working with a vendor to fully implement, among other electronic stamps, an electronic certification.

According to the Clerk, due to other pressing projects and state mandates, the deployment of electronic seals/certifications is scheduled for some time in 2016. The Committee recommends this project should be expedited.

However, the Clerk does not believe this particular Recommendation is entirely a viable option at this time without a statutory, rule and/or administrative order amendment. First, according to the Clerk, the Clerk has statutory duties as identified in Florida Statute §741.30(2)(c)(5) : "The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement." Since this is a Clerk identified duty, the Clerk does not believe the proposal of having participating police department Records Division perform this function is a viable option at this time.

The Committee notes, while the Clerk has a duty to certify that the Petitioner received a copy of the order by hand delivery or by mail, there is also an opportunity per the Florida Supreme Court forms for the petitioner to designate an email address for receipt of the

certified copy. This verbiage is standard language on the Florida Supreme Court forms.⁴⁰ However, for the *pro se* petitioner, designating an email address for the purposes of delivery of the injunction against domestic violence currently means that email address would be utilized for all future correspondence and service of pleadings.

The Committee recommends, in an effort to implement this recommendation, consider either (1) the alternative of email delivery of a certified injunction order per the Florida Supreme Court form, perhaps through an amendment to Family Law Rules; (2) the entry of an appropriate Administrative Order allowing specifically the delivery of certified copy of the injunction via a designated email; and/or (3) a statutory amendment to Florida Statute §741.30(2)(c)(5). The goal would be to implement this Recommendation and allow the Clerk to transmit a valid injunction order with electronic seal to participating police departments for delivery to petitioners.

As to the Emergency Packet, there is no statutory requirement that the emergency packet be sealed by the clerk. However, there is a requirement that for the purposes of service of an order through the emergency packet that ALL pleadings and notices be provided for the purpose of service on respondent. The issues surrounding the production of the emergency packet remain as a challenging impediment to full deployment of technology as police departments may be hesitant to be responsible for ensuring every necessary document in the emergency packet is provided to the petitioner for fear that failing to do so could jeopardize the validity of any service through the emergency packet⁴¹.

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Consensus Point #3: The current physical process for victims to obtain certified copies of orders granting injunctions and emergency service packets is an impediment to fully utilizing the capabilities of the electronic filing portal.

As noted herein, even if electronic filing is better utilized with the assistance of advocates, any order granting temporary injunction against domestic violence currently requires a physical certified copy to be produced for the victim to have in hand, both prior to the respondent being served and after. While at some point there will be an entry in the NCIC/FCIC system of the existence of an injunction against the respondent, law enforcement must still validate the parameters of the injunction. As a result, victims still need to travel to the main courthouse to obtain a physical copy or assume the risks associated with that certified copy being mailed to a location.

Recommendation(s) on Consensus Point #3:

1. Utilize Regional Courthouses for Production of Certified Orders and Emergency Packets.

Allowing victims (and/or their advocates) to alternatively pick-up the entered temporary injunction against domestic violence and the necessary emergency packet at Regional courthouses would reduce, for some, the time necessary to be at the main courthouse, reduce parking expenditures, and reduce issues surrounding Room 248 as victims wait for orders. According to the Clerk's office, this is a recommendation which can be implemented. This recommendation was universally supported by the advocates.

2. Develop and Implement Process To Provide Certified Copies and Emergency Packets at Designated Approved Locations.

The Committee recommends ultimately establishing a system whereby electronically certified injunctions and emergency packets can be available at participating police stations, through Records Divisions or otherwise. Records Divisions of police departments would be able to print electronically certified injunctions and produce the emergency packets for victims. This would allow the victims to file their petitions (either physically or through e-filing) and travel to a local police station, if they chose to do so, to obtain a valid injunction order and emergency packet at a police station most convenient for the victim and/or advocates.

As noted in this Report, Florida Statute §741.30(8)(a)(1) contemplates that a facsimile of a certified injunction may be served in the same manner as a certified copy. Additionally, the e-warrant process is working effectively.

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According to the Clerk, due to other pressing projects and state mandates, the deployment of electronic seals/certifications is scheduled for some time in 2016. The Committee recommends this project should be expedited.

However, the Clerk does not believe this particular Recommendation is entirely a viable option at this time without a statutory, rule and/or administrative order amendment. First, according to the Clerk, the Clerk has statutory duties as identified in Florida Statute §741.30(2)(c)(5): “The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.” Since this is a Clerk identified duty, the Clerk does not believe the proposal of having participating police department Records Division perform this function is a viable option at this time.

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The Committee recommends, in an effort to implement this recommendation, consider either (1) the alternative of email delivery of a certified injunction order per the Florida Supreme Court form, perhaps through an amendment to Family Law Rules; (2) the entry of an appropriate Administrative Order allowing specifically the delivery of certified copy of the injunction via a designated email order; and/or (3) a statutory amendment to Florida Statute §741.30(2)(c)(5). The goal would be to implement this Recommendation and allow the Clerk to transmit a valid injunction order with electronic seal to participating police departments for delivery to petitioners.

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Consensus Point #4 : Greater use of technology for the filing and processing of petitions for injunction against domestic violence could streamline the process for the Clerk's office and the Judiciary.

Technology clearly exists to streamline the process for victims of domestic violence to seek and obtain court-ordered protections. Some of the challenges in deploying available technology from other areas of our lives include the current statutory scheme under Florida law which requires that the *ex parte* process being only available through a sworn affidavit and petition without the benefit of a judge actually hearing from the victim at the *ex parte* stage. This is an impediment by design which has been overcome in the New Jersey model.

The lawyers on the Committee noted that whether the decision is made based upon oral testimony through electronic means (as in New Jersey) or based upon a verified petition, both methods represent *ex parte* contacts between the judiciary and the victims.

Recommendation(s) on Consensus Point #4:

1. Implement Legislative Changes to Allow the Full Deployment of Technology to Streamline the Process for Victim Survivors of Domestic Violence.

It is time to reevaluate the current antiquated system of *ex parte* communications for the purposes of obtaining a petition for injunction against domestic violence. No matter how the need for emergency protection is communicated, whether through a verified petition only or through a petition and opportunity to interact with a judge or hearing office, the communication is still *ex parte*. However, the current statutory scheme is an impediment to deploying available technology (similar to the New Jersey model) to streamline the process and to address the various factors which may discourage victims from seeking necessary protections. The overriding focus should be to ensure every victim is able to decide whether or not to seek protections predicated on the merits of needing protection, as opposed to whether or not they can endure the process of obtaining that needed protection.

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⁴⁴ The Clerk notes, per an Attorney General opinion, they are unable to deputize clerks. See Op. Att’y Gen. Fla 1995-33. However, a closer reading of the 1995 Attorney General Opinion reveals that the Attorney General opined that a Clerk could deputize a third party, but could not do so for only a narrow purpose within the availability of powers afforded to the Clerk by Constitution. Additionally, the question in AG Opinion 1995-33 was whether or not a Clerk could deputize a private party to the sole purpose of issuing marriage certificates. The Committee believes, to the extent the issue is not resolved in another manner, the Clerk should obtain a new Attorney General opinion as to whether or not the Clerk could deputize a participating Police Department Records Custodian or specific designees for the purposes of certifying orders with an electronic seal and generating a valid enforceable injunction.

of an appropriate Administrative Order allowing specifically the delivery of certified copy of the injunction via a designated email; and/or (3) a statutory amendment to Florida Statute §741.30(2)(c)(5). The goal would be to implement this Recommendation and allow the Clerk to transmit a valid injunction order with electronic seal to participating police departments for delivery to petitioners.

As to the Emergency Packet, there is no statutory requirement that the emergency packet be sealed by the clerk. However, there is a requirement that for the purposes of service of an order through the emergency packet that ALL pleadings and notices be provided for the purpose of service on respondent. The issues surrounding the production of the emergency packet remain as a challenging impediment to full deployment of technology as police departments may be hesitant to be responsible for ensuring every necessary document in the emergency packet is provided to the petitioner for fear that failing to do so could jeopardize the validity of any service through the emergency packet⁴⁵.

6. Expand E-Filing Training.

To encourage filing of petitions for injunction against domestic violence at remote locations (including police stations and domestic violence victim survivor advocacy centers), a concerted effort should be made to expand the number of advocates trained and experienced in the electronic filing of petitions for injunction against domestic violence. The ability to file petitions for injunction against domestic violence remotely currently exists. However, the necessary training at safe locations for advocates should be expanded. The Clerk's office agreed to work with stakeholders to initiate a training program, which would then allow those trained to train others.

Of course, as the Committee noted, even if e-filing is more available and utilized more often, victims presently still need to go to the main courthouse to obtain the certified copy of the injunction and the emergency packet. If the regional courthouses are made available to obtain the certified copy of the injunction and emergency packet, this would provide some additional convenience.

⁴⁵ Local law enforcement is only permitted to serve a respondent if it is part of the emergency packet process. It is not known what percentage of respondents are served through the emergency packet process as opposed to through BSO civil division. Advocates believe the percentage is below 15% are served through emergency packet. In addition, as noted by the advocates, even if e-filing is better deployed and valid injunctions are available electronically, the need for the emergency packet will still require the victims to go to a location designated by the Clerk; presently that is the main courthouse, but could include the regional courthouses going forward.

Consensus Point #5: The Clerk’s office and Judiciary, as well as victims, could directly benefit from more domestic violence advocates to guide and assist victims through the process of filing petitions for injunction against domestic violence.

Domestic violence victims (and the Court system) could directly benefit from more assistance by way of Advocates to guide and assist victims through the process of obtaining protections through the petition for injunction against domestic violence process. Unfortunately, too few victims have the benefit of guidance and assistance offered by a trained and dedicated advocate in the filing of petitions for injunction against domestic violence and through the court hearing process.

As outlined in this Report, the resources for such advocates are dependent on resources of various groups, and their ability to identify and secure such resources. Further, those organizations which have the ability to provide some advocates are unable to handle the volume of domestic violence victims in need of assistance and who could benefit from the assistance of an advocate. There is no comprehensive umbrella funding source or organization to provide such assistance.

As noted herein, the Clerk of Courts, advocates and non-lawyers are legally prohibited from providing legal advice to victims of domestic violence. Further, the on-site advocacy program is challenged by volume and lack of resources. For those victims who do not have the benefit of having advocacy resources dedicated to guide the victim through the filing, court and hearing process, that lack of assistance may be a potential reason victims do not actually proceed through to obtain protections or are able to assert all of their rights available. Importantly, advocates are an asset to not only the victims, but also to the Courts. See Florida’s Domestic Violence Benchbook, (2014).

Recommendation(s) on Consensus Point #5:

The Committee notes resources should be dedicated to expand the number of competent and trained advocates so that every domestic violence victim has the benefit of an advocate, not just fortunate enough to access an advocate through one of the advocacy support groups.

1. Increase Training for Volunteer Advocates.

Offer trainings for highly prepared, screened volunteers so more people could serve as advocates for the process of filing petition for injunctions against domestic violence and through the courtroom process. This could include developing internships through local colleges (criminal justice/criminology programs), law schools (family law clinics with specific focus on domestic violence process)

2. Develop a Domestic Violence Victim Advocates Program.

Similar to the state-wide Guardian ad Litem program, the Committee recommends that all stakeholders evaluate the desirability of creating a sustainable and effective Domestic Violence Victim Advocate program. This would require training, certification, oversight, and enforcement of standards, as well as funding from Federal and State partners. The Committee posited whether or not the most efficient method to develop such a program would be implement a Domestic Violence Advocates Program under the

auspices of the well-recognized Florida Guardian Ad Litem Program with a separate identified and dedicated funding source so as to not compromise the work of the current Florida Guardian Ad Litem Program.

The Florida Coalition Against Domestic Violence stated “we do not see a need to create a new advocate program under the GAL program because we already have certified domestic violence center victim advocates statewide who are highly trained, certified, and have statutory confidentiality and privilege. Rather than create a new program, we would like to see a recommendation for increased funding for domestic violence centers to have more legal advocates and increased funding for FCADV’s Legal Clearinghouse Project which provides attorneys for petitioners at injunction hearings.”

Whether established as a free-standing state-wide system that is institutionalized under one umbrella providing consistent and sustainable assistance or through increased funding for advocates to be available through the numerous domestic violence centers, all recommend that victim survivors of domestic violence are in need of more assistance from well-trained advocates experienced in the filing of petitions for injunction against domestic violence.

Consensus Point #6: The current courthouse layout for injunction hearings is less than ideal for victims, adds to the stress on victims and their advocates associated with proceeding through the court process and generates preventable and foreseeable risks and dangers to victims and their advocates.

As noted herein, hearings on petitions for injunction against domestic violence are mainly conducted in courtrooms on the eighth floor in the existing courthouse. The hallway is often crowded with victims, advocates, and alleged abusers waiting for hearings. In addition, the in-custody respondents (or alleged abusers) are walked through the crowded hallway in front of victims and their advocates.

The Committee heard credible accounts of emotional and stressful encounters in that particular hallway. The court process should not enhance the stress on victims or produce preventable risks to victims and their advocates.

The Committee heard some changes were being implemented whereby, if requested, victims could sit in the courtroom during the hearings involving other victims' cases. This is certainly an improvement but leads to other issues and does not address the fact that victims may need to use facilities in the area of these courtrooms and make phone calls related to their family needs.

Understanding staffing levels are a matter of resources, the Committee highlights that BSO reports they have requested the County to increase the staffing levels by fifty deputies prior to the opening of the new 20 story judicial complex. BSO states this will put Court Services Division near the bottom end of the "Best Practices" range as enumerated in several in depth reports completed by the United States Marshall's Service, National Sheriff's Association and the National Center for State Courts. As explained by BSO, many of these reports recommend one armed deputy per judge.

Recommendation(s) on Consensus Point #6:

1. Take Appropriate Steps to Increase Security on the 8th Floor Outside Courtrooms.

The Committee recognizes implementation of this Recommendation requires funding and/or resource allocation in a cooperative fashion between BSO and the Board of County Commissioners.

2. Continue to Re-Evaluate a Separate and Secure Waiting Area for Petitioners, Advocates and Counsel.

The Committee recognizes that this Recommendation is aspirational as many of the stakeholders have raised this issue over the years without the ability to identify any meaningful solution. However, this is important enough that the stakeholders, including Court Administration, should continue to re-evaluate the ability to identify a separate and secure waiting area for petitioners, advocates and counsel.

3. Develop and Sustain a System of Notification for In-Custody Transport Through the 8th Floor Hallways.

The Committee notes, and appreciates, the commitment of Court Administration to identify a method to implement this Recommendation, such that a notification could be made to the 8th Floor Courtroom Deputy and/or bailiff when an in-custody respondent is being transported to the courtroom. This would allow the petitioner, advocates and counsel to make a decision about relocating to a different area to avoid contact with the in-custody respondent.

Consensus Point #7: While collaboration and cooperation in the planning for the new courthouse as it relates to the domestic violence court process, including the filing of petitions for injunction against domestic violence, gave due consideration to some of the concerns presented in the current courthouse, additional analysis and steps are necessary to fully address concerns noted in this report.

The Committee notes that the collaboration and cooperation of the Clerk of Courts, County Administrator's Office, the Seventeenth Judicial Circuit and Court Administration, along with inviting input from stakeholders, has resulted in meaningful attention to the process for the court and for victim survivors of domestic violence in seeking protections through injunctions against domestic violence. Through that planning for the new courthouse, there was recognition and understanding of some of the concerns faced in the current courthouse.

The Committee welcomes the proposed plan as outlined by the Clerk to expand available space and resources for domestic violence victims in the process of filing a petition for injunction against domestic violence. The additional space and staff, along with changes in the process at the outset, are intended to provide more accommodation to victim survivors, their children and advocates.

The Committee notes the discussion of the separate waiting areas for petitioners and respondents also recognizes the sub-optimal situation presented on the 8th floor of the current courthouse. However, many questions remain and the current plan for separation may not be effective.

The Committee is concerned that it was reported that BSO was not included in the process of providing input as to the security plan involving the Domestic Violence Court in the new courthouse. The Committee notes the level of security for the new courthouse, at least as according to BSO, is concerning and should be re-evaluated.

Recommendation(s) on Consensus Point #7:

1. The Currently Proposed Expansion of Space for the Clerk's Office Should Be Implemented.

This recommendation is self-evident. Any changes to the current space allocation planned and as outlined by the Clerk of Court in this Report should be the subject of a public discussion with meaningful input from all the stakeholders.

2 Additional Dialogue And Analysis Amongst the Stakeholders Regarding the New Courthouse Accommodations and Security Plan related to the Domestic Violence Injunction Process is Necessary.

Based upon facts as identified in this report, the Committee is concerned regarding the following:

(a) The plan for separation of petitioners and respondents is potentially inadequate and problematic. While the planners attempted to address the current circumstances on the 8th floor related to petitioners and respondents being in close proximity and took heed of the guidance offered by the Benchbook related to separation, the current proposed plan

is to have the respondents separated into a waiting room (potentially a re-purposed deposition room) and to notified electronically in some manner when their case is called. Of concern, as noted in this report, (1) the respondents may be encouraged to wait in such a dedicated room, but there is no motivation for them to voluntarily accede to this plan. Generally speaking, the victims are the ones who wish to have separation for obvious reasons; (2) while the victim may be invited to sit in the courtroom, this is not necessarily optimal for the Court or the victims. Some victims will have witnesses who will not want to be left out in the hall. Some victims, having no alternative, may bring children to the courthouse; children are prohibited from being in the courtroom; (3) it is rational to assume that from time to time the victim may need to step out of the courtroom (phone calls, biological breaks, emotional reasons), thus inviting the same problems experienced on the 8th floor currently; (4) as to the child waiting area, there were no specifics as to whether or not access is restricted to petitioners and what security is in place.

As such the Committee recommends more analysis of this separation plan occur in an expedited manner with meaningful input from all the stakeholders.

(b) The security staffing levels, as outlined by BSO, are concerning. As outlined in this report, BSO does not believe the current budget allows for additional armed deputies in the area of the domestic violence court. Further, BSO reports that, in terms of the overall staffing at the courthouse, the protections currently budgeted are below recommended levels. The Committee recommends a public workshop on this matter specifically addressing security as it relates to the domestic violence court and the new courthouse in general.

3. Implement Legislative Changes to Allow the Full Deployment of Technology to Streamline the Process for Victim Survivors of Domestic Violence.

It is time to reevaluate the current antiquated system of *ex parte* communications for the purposes of obtaining a petition for injunction against domestic violence. No matter how the need for emergency protection is communicated, whether through a verified petition only or through a petition and opportunity to interact with a judge or hearing office, the communication is still *ex parte*. However, the current statutory scheme is an impediment to deploying available technology (similar to the New Jersey model) to streamline the process and to address the various factors which may discourage victims from seeking necessary protections. The overriding focus should be to ensure every victim is able to decide whether or not to seek protections predicated on the merits of needing protection, as opposed to whether or not they can endure the process of obtaining that needed protection.

Legislative changes may include amendments to various sections of Florida Statutes §741.30, and §28.215 (2014) and rule changes to Florida Family Law Rule of Procedure §12.610.

Such changes could alleviate some issues and concerns related to the new courthouse plan.

4. Expand E-Signature for Judicial Execution of Injunctions.

As referenced herein, steps have been made to facilitate the judiciary's ability to electronically sign orders and deliver those to the Clerk's office. The Committee made reference to the e-warrant system. In the context of domestic violence injunction petitions, the after hours process currently deploys such technology so that the judiciary need not travel to the courthouse. The implementation of E-Signature should proceed rapidly to include for all injunction orders on petitions for injunction against domestic violence.

Such changes could alleviate some issues and concerns related to the new courthouse plan.

5. Utilize Regional Courthouses for Filing of Petitions.

Perhaps the most productive immediate change, which would be universally welcomed by the advocates, would be to permit filing of petitions for injunctions against domestic violence at the three (3) Regional courthouses – Plantation, Deerfield and Hollywood. This would expand from one (1) single location to four (4) locations for filing.

The Clerk's office unequivocally supports and endorses this recommendation and notes this could be implemented with minimal impact on the Clerk's office. In fact, the Clerk of Courts would propose to provide this for after hours filing as well, noting that it would require some coordination but clerk employees could be deployed to the particular regional courthouse chosen by the victim.

However, because of the physical nature of the during hours petitions, maximizing the change would require Circuit Court judges to either be able to utilize technology (e-signature and review of scanned pleadings) or for the judiciary to deploy Circuit Judges in the Regional locations. These technological advancements appear to be on the near horizon and are deployed after-hours presently.

Further, implementation of this recommendation may require the participation and support of Broward County Board of County Commissioners, the Seventeenth Judicial Circuit, and BSO.

The Committee notes there would be an absolute need to clarify for victims that while they filed the petition and received the injunction order at one of the regional courthouses, the 15-day hearing would be at the main courthouse. This is a high potential for confusion and this would require the notice to be prominent and explained directly.

6. Utilize Regional Courthouses for Production of Certified Orders and Emergency Packets.

Allowing victims (and/or their advocates) to alternatively pick-up the entered temporary injunction against domestic violence and the necessary emergency packet at Regional courthouses would reduce, for some, the time necessary to be at the main courthouse, reduce parking expenditures, and reduce issues surrounding Room 248 as victims wait

for orders. According to the Clerk's office, this is a recommendation which can be implemented. This recommendation was universally supported by the advocates.

Such changes could alleviate some issues and concerns related to the new courthouse plan.

7. Develop and Implement Process To Provide Certified Copies and Emergency Packets at Designated Approved Locations.

The Committee recommends ultimately establishing a system whereby electronically certified injunctions and emergency packets can be available at participating police stations, through Records Divisions or otherwise. Records Divisions of police departments would be able to print electronically certified injunctions and produce the emergency packets for victims. This would allow the victims to file their petitions (either physically or through e-filing) and travel to a local police station, if they chose to do so, to obtain a valid injunction order and emergency packet at a police station most convenient for the victim and/or advocates.

As noted in this Report, Florida Statute §741.30(8)(a)(1) contemplates that a facsimile of a certified injunction may be served in the same manner as a certified copy. Additionally, the e-warrant process is working effectively.

As discussed, Florida Statute §28.071 does not prohibit an "electronic seal". According to research performed, the Office of the State Courts Administrator's Office says that an electronic seal meets the statutory requirements of Section 28.071, which is confirmed by the Broward Clerk of Court. The Clerk indicates that the Clerk's office is working with a vendor to fully implement, among other electronic stamps, an electronic certification.

According to the Clerk, due to other pressing projects and state mandates, the deployment of electronic seals/certifications is scheduled for some time in 2016. The Committee recommends this project should be expedited.

However, the Clerk does not believe this particular Recommendation is entirely a viable option at this time without a statutory, rule and/or administrative order amendment. First, according to the Clerk, the Clerk has statutory duties as identified in Florida Statute §741.30(2)(c)(5) : "The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement." Since this is a Clerk identified duty, the Clerk does not believe the proposal of having participating police department Records Division perform this function is a viable option at this time.

The Committee notes, while the Clerk has a duty to certify that the Petitioner received a copy of the order by hand delivery or by mail, there is also an opportunity per the Florida Supreme Court forms for the petitioner to designate an email address for receipt of the certified copy. This verbiage is standard language on the Florida Supreme Court forms.⁴⁶

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However, for the *pro se* petitioner, designating an email address for the purposes of delivery of the injunction against domestic violence currently means that email address would be utilized for all future correspondence and service of pleadings.

The Committee recommends, in an effort to implement this recommendation, consider either (1) the alternative of email delivery of a certified injunction order per the Florida Supreme Court form, perhaps through an amendment to Family Law Rules; (2) the entry of an appropriate Administrative Order allowing specifically the delivery of certified copy of the injunction via a designated email; and/or (3) a statutory amendment to Florida Statute §741.30(2)(c)(5). The goal would be to implement this Recommendation and allow the Clerk to transmit a valid injunction order with electronic seal to participating police departments for delivery to petitioners.

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8. Expand E-Filing Training.

To encourage filing of petitions for injunction against domestic violence at remote locations (including police stations and domestic violence victim survivor advocacy centers), a concerted effort should be made to expand the number of advocates trained and experienced in the electronic filing of petitions for injunction against domestic violence. The ability to file petitions for injunction against domestic violence remotely currently exists. However, the necessary training at safe locations for advocates should be expanded. The Clerk's office agreed to work with stakeholders to initiate a training program, which would then allow those trained to train others.

General opined that a Clerk could deputize a third party, but could not do so for only a narrow purpose within the availability of powers afforded to the Clerk by Constitution. Additionally, the question in AG Opinion 1995-33 was whether or not a Clerk could deputize a private party to the sole purpose of issuing marriage certificates. The Committee believes, to the extent the issue is not resolved in another manner, the Clerk should obtain a new Attorney General opinion as to whether or not the Clerk could deputize a participating Police Department Records Custodian or specific designees for the purposes of certifying orders with an electronic seal and generating a valid enforceable injunction.

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Of course, as the Committee noted, even if e-filing is more available and utilized more often, victims presently still need to go to the main courthouse to obtain the certified copy of the injunction and the emergency packet. If the regional courthouses are made available to obtain the certified copy of the injunction and emergency packet, this would provide some additional convenience.

Such changes could alleviate some issues and concerns related to the new courthouse plan.

9. Utilize Regional Courthouses for Hearings on Petitions.

As is done in Miami-Dade County, consideration should be given expeditiously to expanding the sites for hearings on domestic violence injunctions to include the three (3) additional Regional courthouses. This would require the participation and support of BSO, Broward County Board of County Commissioners, the Clerk of Courts, Court Administration, the Judiciary of the Seventeenth Judicial Circuit and the State Attorney's Office (because victim advocates often attend the hearings). However, as has been demonstrated in Miami-Dade County, such a system of multi-site filing and hearings is possible.

Such changes could alleviate some issues and concerns related to the new courthouse plan.

Consensus Point #8: While the issues facing domestic violence victim survivors as identified herein were focused on Broward County, the Committee notes that these same issues are faced state-wide by victim survivors of domestic violence.

The Committee, by the nature of the scope of the mission, was focused on the process for victims seeking petitions for injunction against domestic violence in Broward County. However, the Committee recognizes that most, if not all, of the issues are faced state-wide by victims, Clerks of Courts, Judiciary and advocates. Further, statutory changes, as well as deployment of additional resources, should support a broad public policy to provide protections in the most efficient and dignified manner to victims of domestic violence.

Recommendation(s) on Consensus Point #8:

1. Implement A State-Wide Taskforce With Broad Participation to Improve Process for Victim Survivors of Domestic Violence.

The Committee recommends the establishment of state-wide taskforce focused on developing and implementing possible improvements to the process for victims filing petitions for injunction against domestic violence and seeking court-ordered protections. That taskforce could include legislators, representatives of the Florida Bar, representative of the judiciary, Court Administration, the Clerk of Courts, domestic violence victims advocates, certified domestic violence centers, law enforcement agencies, State Attorneys, and Florida Coalition Against Domestic Violence, victim survivors of domestic violence and advocates on behalf of victim survivors of domestic violence.

As an alternative, as noted by the Florida Coalition Against Domestic Violence, the Florida Attorney General's Statewide Fatality Review Team issues yearly reports and recommendations related to domestic violence issues.⁴⁸ One of the purposes is to make recommendations to improve the systemic response to survivors of domestic violence. The Committee would welcome the opportunity to engage with the Fatality Review Team directly and for the Fatality Review Team to engage the necessary stakeholders on proposing specific improvements to the process for victim survivors of domestic violence to seek and obtain, in a timely and efficient manner, emergency court-ordered protections.

⁴⁸ For example, here is the 2014 report:

<http://www.fcadv.org/sites/default/files/FACES%20OF%20FATALITY%20IVweb%20%282%29.pdf>

Consensus Point #9: Any improvements and/or changes to the process for victims to file and seek petition for injunction against domestic violence, including expanded availability of electronic portal filing with the assistance of advocates, requires additional educational efforts community wide.

The Committee recognizes that improving the process for victims seeking protections through the filing of a petition for injunction against domestic violence is important. In addition, the Committee recognizes that deploying any improvements must be accompanied with an educational campaign to ensure law enforcement, advocates, community based groups, victims (current and future) and the community-at-large recognize the steps taken to improve the process. This is important from the perspective of ensuring the needs and challenges of victim survivors of domestic violence are a prominent feature of the dialogue in the community. Additionally, such a sustained and comprehensive informational campaign provides confidence to victim survivors of domestic violence that the process to seek court-ordered protections can be navigated in a manner which encourages victims to actually seek protections.

The Committee notes that many different groups and stakeholders provide information regarding the domestic violence injunction process through a variety of informational methods. There is no single “umbrella” which evaluates and seeks to assist the various groups in improving information dissemination in this regard.

Recommendation(s) on Consensus Point #9:

1. Develop Partnerships With County-Wide Community Groups for Dissemination of Information Regarding the Injunction Process.

The Committee recommends that more sustained partnerships be generated with county-wide groups to offer trainings and latest updates on the injunction process (including to law enforcement). This should include a sustained media campaign related to the resources available (and issues/challenges for victims) with sensitivity to cultural and socio-economic realities through radio and TV. Many different groups have informational resources but there is a need to take the best practices and ensure accurate information is being disseminated consistently and widely.

Consensus Point #10: The Committee recognizes there are many stakeholders who should be interested in this Report and Recommendation and, therefore, this Report and Recommendation should be distributed widely.

Recommendation(s) on Consensus Point #10:

1. Distribute This Report Widely To All Potential Stakeholders and Media.

While it is the prerogative of the Broward Chiefs of Police Association how this report should be utilized, the Committee recommends this report be distributed broadly to: the Chief Judge of the Seventeenth Judicial Circuit, The Office of Trial Court Administration for the Seventeenth Judicial Circuit, The Clerk of Courts for the Seventeenth Judicial Circuit, the Broward County Board of County Commissioners, the President of the Florida Bar, the President of the Broward Bar, The Florida Courts EFiled Authority Board, the Florida Court Clerks and Comptroller Best Practices Committee, The Florida Guardian Ad Litem Program, Attorney organizations which may be interested in this Report and Recommendation, domestic advocacy groups in Broward County (and statewide, including the Florida Coalition Against Domestic Violence), the Broward Delegation, The Broward League of Cities and individual municipal elected officials, local law enforcement agencies, all local media outlets and any other potential stakeholder.

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