

effective system of handling these important and sensitive cases. Under intensive judicial supervision, trained court staff meet individually with the parties, explain the court process, and the content of the lengthy Injunction Orders to litigants who, for the most part, are self-represented. Participation is voluntary, and parties meet with court staff in a safe and neutral setting, in advance of the hearing on the Petition. During this process, the parties identify areas of agreement and dispute. In every case, the presiding judge reviews the allegations and any agreements that may have been reached, and is responsible to ensure that the relief to be granted is appropriate, comprehensive, and understood by the parties. Hearing time is devoted to resolving contested issues, crafting proper remedies, and emphasizing the content and effect of the Final Injunction Order. This system and exercise of judicial involvement is entirely consistent with the court's responsibilities as set forth in §741.2902, Fla. Stat.

The Commentary to the proposed amendment presumes that there is only one proper and reasoned way to demonstrate judicial involvement in resolving domestic violence cases, and that is by holding evidentiary hearings in every case. Our experience in the Sixteenth Judicial Circuit demonstrates otherwise. Our use of trained court staff to meet with the parties in advance of the hearing on the Injunction petition enables the presiding judge to have the information available to evaluate the case, and to determine what resources are required and how to proceed. This procedure is consistent with the direction given by the Court in its opinion, *In re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001), for Model Family Courts. Our system provides the parties with an accessible and coordinated means of resolving their disputes, and assists them in reaching resolution without the additional emotional trauma inherent in the adversarial process.

Finally, the proposed amendment's prohibition against the use of any other means of alternative dispute resolution except mediation, and its requirement that the Court refer these cases to certified Family Court Mediators only, severely and unnecessarily restricts the options available to the parties to Injunction proceedings. In the Sixteenth Circuit, as in other rural jurisdictions, the availability of certified Family Court Mediators is limited, as is the funding for their services. Our court staff have many years of experience in the legal system and far more training in domestic violence issues than that required of Certified Family Court Mediators. They do not, however, hold master's or doctorate degrees in social work, mental health, or behavioral or social sciences, nor are they physicians, psychiatrists, attorneys, or accountants. Our Domestic Violence court staff have a licensed attorney and Certified Family Court Mediator as their managing supervisor, and they serve at the express direction of the Chief Judge, and the Family Court Judges. Adequate

safeguards are in place to ensure safety and due process for the parties. The proposed emergency amendment would eliminate our present system of handling these matters entirely, and will have a negative impact on the efficient administration of justice in our Circuit. In addition, the proposed rule change would result in dramatically increasing the costs associated with the implementation of a certified mediator based system, at a time when State funding for truly essential and necessary judicial branch functions is in jeopardy.

As Chief Judge for the Sixteenth Judicial Circuit, I have approved this system of handling Domestic Violence Injunction cases, and the training and supervision of the court staff assisting the courts and litigants, pursuant to Fla. R. Jud. Admin. 2.050. Neither the FCSC nor the Office of the State Courts Administrator has observed the system in operation in this Circuit. This system benefits the litigants, the courts, and is a proper exercise of the principles of therapeutic justice. We have received numerous favorable comments from *pro se* litigants as well as parties represented by counsel, and have created a system drawing upon specially trained and supervised court staff, who are already employed by the Sixteenth Circuit's Family Court Programs. Our system works, and does so without the expenditure of additional funds for staffing, or to secure the services of certified Family Court Mediators to perform case management functions.

Based upon the foregoing, the undersigned Chief Judge of the Sixteenth Judicial Circuit requests that the Florida Supreme Court find that no emergency exists, pursuant to Rule 2.130(a), Fla. R. Jud. Admin., which would require the use of expedited procedures. The proposed rule change should be referred to the appropriate committee of the Florida Bar for consideration and recommendations, as required by Rule 2.130(b), Fla. R. Jud. Admin.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing objection has been provided by US Mail, this ____ day of _____, 2002, to the following:

<p>Hon. Raymond R. McNeal, Chair, Family Court Steering Committee 110 NW First Avenue, Room 3058 Ocala, Florida 34775</p> <p>Mr. John F. Harkness Executive Director The Florida Bar 650 Appalachee Parkway Tallahassee, Florida 32399</p> <p>Mr. Michael Walsh Chair, Family Law Rules Committee 501 S. Flagler Drive, Suite 306 West Palm Beach, Florida 33401-5911</p>	<p>The Honorable Peter D. Webster Chair, Rules of Judicial Administration Committee First District Court of Appeal 301 S. Martin Luther King, Jr., Blvd. Tallahassee, Florida 32399- 1850</p> <p>Ms. Caroline Black Chair, Family Law Section of the Florida Bar 307 S. Magnolia Avenue Tampa, Florida 33606</p> <p>Deborah A. Lacombe Legal Affairs and Education Office of the State Courts Administrator 500 South Duval Street Tallahassee, Florida 32399</p>
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Certificate of Compliance

I hereby certify that this document was printed in Courier New
12-point font.

By: _____
Hon. Richard G. Payne

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Chief Judge