

Eighth Judicial Circuit Family Law Advisory Group (FLAG)
Minutes of March 24, 2008

The FLAG met on Monday, March 24, 2008 at the Alachua County Family and Civil Justice Center. Present were: Ruth Angaran, Harvey Baxter, Norm Bledsoe, Kathrin Brantley, Iris Burke, Jill Conti, Russell Clifton, Mary-Ellen Cross, Ted Curtis, Robin Davis, Randi Dincher, Peter Enwall, Bill Farley, Tasha Fernandez, Josh Fischer, Lucy Goddard-Teel, Theresa Harrison, Leslie Haswell, Arlene Huszar, Judge Ysleta W. McDonald, Myrna Neims, Jack Nettles, Marilyn Peterson, Marcia Rapczak, Pam Schneider, Peggy Schrieber, Sam Stafford, Scott Walker, Jean Westin and Nancy Wilkov. Also present were nine students from the University of Florida, Levin College of Law.

The Parenting Plan and Website Committee reported that their work is still in process. They are developing guidelines to help parents put together their own parenting plans.

Pam Schneider spoke about the collaborative divorce process which involves a team to enable a family to move forward without animosity. A training was held recently for those professionals interested in pursuing this process. Approximately 15 attorneys, 6 mental health professionals, and 4 finance professionals attended. Our local group is hoping to work with similar professionals in Ocala to give clients more choices of professionals. Pam noted that the collaborative process is not just being used in divorce cases but is now also being used for torts.

The Planning Committee is meeting at 12:15 PM on April 16, 2008 to discuss future programs for the FLAG. The meeting will be held in Judge McDonald's chambers in the Alachua County Family & Civil Justice Center.

The Association of Family and Conciliation Courts is holding its annual meeting in Vancouver at the end of May. Student memberships and scholarships are available. More information can be found at www.afccnet.org.

Our speakers were Judge Nilon, Judge McDonald, and Josh Fischer who discussed Unified Family Court. A brochure developed by the Office of State Court Administrator describing UFC was distributed to everyone. The brochure can also be viewed online at http://www.flcourts.org/gen_public/family/bin/ufcbrochure.pdf.

The panel explained that the hub of the UFC in this court is dependency. If a family has a dependency case and another family law case is filed involving the same parties, the cases will both go to the UFC division and will be heard by the UFC judge who, in our case, is also the dependency judge. We have other provisions in place also so that family law cases involving the same parties will be heard by the same judge. If a domestic violence case is filed and another family law case is subsequently filed, both cases will be heard by the domestic violence judge. If a family law case of any kind (except those involving the Department of Revenue) is filed and a subsequent case is filed, both would be heard by the judge who was assigned to the first case. The multiple cases are generally heard at the same time so that everyone with an interest in an issue can be heard and decisions can be made that are consistent in all the cases. This

also results in fewer court appearances for the family.

Judge Nilon cautioned the law students that, while every circuit has some version of UFC, it is not structured the same way in every circuit. Other circuits may have a different type of family law case as its hub, they may conjoin cases that we do not such as juvenile delinquency cases, and they may have staff whose job it is to refer families to services.

The regional counties of our circuit have de facto UFC because they have one judge that handles all family cases. There were questions about cases that involve different counties. In our circuit, cross-over cases will be identified from any county in the circuit and one case may be transferred. Currently, we are not identifying related cases from outside our circuit.

Beginning the UFC process and coordination has been cumbersome. It is more labor-intensive in the beginning but saves time in the long run. It takes coordination and creativity to make UFC work well. Judge Nilon gave an example of a family with a dependency case, a domestic violence case, a dissolution of marriage, and temporary custody by an extended family member. Mediating these disputes takes time and creative thinking but it can be done successfully if all the decision-makers are present. It was noted that a “no contact” order in a criminal case will trump anything in a civil case. We will not be including delinquency or criminal cases in UFC any time soon although the UFC judge is made aware of any such existing criminal cases.

Josh Fischer described his role as the UFC case manager. He explained that weekly case summaries are provided to the judge. The summaries contain current information about each case the family is involved in and ensures the judge that the right hand knows what the left hand is doing. An effort is made to eliminate crossover orders in the various cases the family may be involved in. Josh also mentioned that although criminal cases are not currently a part of UFC, he provides a summary of those cases to the judge so that instances of no contact or other pertinent information is included

A question was asked about how the record is preserved in cases involving both confidential and public records. Judge Nilon responded that dependency and domestic violence hearings are required to be recorded and those records would be available by court order to the attorneys in a related dissolution of marriage.

Marilyn Peterson suggested that dependency hearings be held more privately. Her preference would be to just have the parties for one case in the courtroom at a time. It was noted that, while dependency records are confidential, dependency hearings are not and anyone may be present.

Another comment was made about the distinction between child custody evaluations and child protection evaluations. There are different standards for each so, if one is being used in a UFC case, the parties and the judge need to be aware of those differences.

A suggestion was made for a FLAG meeting topic that would explore the

conflicts in roles between mental health professionals, parenting coordinators, custody evaluators, and therapists. One person could be in all of those roles but not in the same case.

The parenting coordinator list published on the court website needs to be updated.

The next meeting of the FLAG will be Monday, April 28, at 4:00 PM.