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Amendments to Florida Rules of Juvenile Procedure

THE NEXT MATTER THAT WE HAVE ON THE COURT'S DOCKET THIS MORNING IS THE AMENDMENTS TO THE FLORIDA RULES OF JUVENILE PROCEDURE .

GOOD MORNING.

GOOD MORNING YOUR HONOR. MY NAME HE-

BE AT YOUR EASE FOR JUST A MOMENT. LET'S LET EVERYBODY GET COMFORTABLE . ALL RIGHT.

THANK YOU YOUR HONOR. MY NAME I S GERARD FLYNN , EXECUTIVE DIRECTOR OF FLORIDA CHILDREN'S FIRST , STATEWIDE ADD VO CANES. BUT I AM HERE IN MY CAPACITY AS JUVENILE RULES COMMITTEE. I AM GOING TO BEGIN BY ADDRESSING ON BEHALF OF THE MAJORITY OF THE RULES , JUST ONE RULE , 8.165 AND THE PROPOSED CHANGES TO THAT RULE.

YOU ALL HAVE AGREED TO A SCHEDULE HERE BUT IT USES UP ALL THE TIME YOU HAVE BEEN ALLOTTED SO I WANT TO CAUTION YOU I AM GOING STRICTLY ENFORCE THAT. SO WHEN THE LIGHT GOES ON.

OKAY.

THIS TRAP DOOR.

I'LL JUMP BACK BEFORE THAT HAPPENS , YOUR HONOR . AS WE HAVE ALLOTTED THE TIME , THE MAJORITY IN SUPPORT OF THE PROPOSED CHANGES, WHICH WAS A MAJORITY OF 25-5. 25 IN FAVOR AND 5 PROPOSED TO PROPOSED CHANGE. OUR 15 MINUTES ARE GOING TO BE SPLIT BETWEEN MYSELF AND WARD METZGER FROM THE FLORIDA PUBLIC DEFENDERS ASSOCIATION.

THIS CAME AS A RESULT OF THE PROPOSAL FROM THE COMMISSION IN LEGAL NEEDS OF CHILDREN, CORRECT?

THAT'S CORRECT , YOUR HONOR.

WHAT WAS THE VOTE ON THAT?

IT CAME WITH THE UNANIMOUS VOTE. FROM THE COMMISSION ON LEGAL NEEDS. THEY WERE THE ONES WHO RECOMMENDED , NOT ONLY WAS A UNANIMOUS VOTE BY THE COMMISSION, WHICH WAS THE FLORIDA BAR COMMISSION ON THE LEGAL NEEDS OF CHILDREN , WHICH SPENT THREE YEARS STUDYING THE LEGAL NEEDS OF CHILDREN THROUGHOUT THE STATE OF FLORIDA. THIS IS THE ONLY RULE THAT THAT COMMISSION RECOMMENDED A SPECIFIC CHANGE TO THE RULES OF JUVENILE PROCEDURE.

THE BOARD OF GOVERNOR'S OF THE FLORIDA BAR?

IT WASN'T CLEAR. THE BOARD OF GOVERNORS GAVE A GENERAL SUPPORT OF THE COMMISSION'S SUPPORT BUT IT IS NOT CLEAR THE BOARD OF GOVERNORS ACTUALLY ADOPTED EVERY PART OF

THE COMMISSION'S.

HOW ABOUT THE BOARD OF GOVERNORS HAVE AN OPPORTUNITY TO.

YES IT WAS UNANIMOUS 31 TO ZERO , YOUR HONOR. FURTHERMORE, ON THE COMMISSION THIS WAS THE THIS CAME T O THE JUVENILE RULES COMMITTEE BECAUSE THE COMMISSION MADE THIS ONLY CHANGE. WAS A UNANIMOUS VOTE OF THE COMMISSION. AND THE REASON THE COMMISSION TOOK THIS UP AND MADE IT A RIMTION WAS THE COMMISSION HAD HEARD TESTIMONY AND WAS VERY CONCERNED BY THE LARGE NUMBER OF CHILDREN IN THE STATE OF FLORIDA WHO ENTERED PLEASE OF GUILTY WITHOUT HAVING TALKED TO AN ATTORNEY.

MY CONCERN IS , I WANT TO UNDERSTAND HOW THIS WORKED IN REAL LIFE. TELL ME . IN DADE COUNTY , SITTING IN THE JUVENILE COURT FACILITY , AND HOW IS IT GOING TO WORK THAT THERE IS GOING TO BE AN ATTORNEY PROVIDED ?

WELL FIRST OF ALL, IN ALMOST ALL OF THE JUVENILE COURTS AROUND THE STATE THEREIS A PUBLIC DEFENDER PRESENT DURING ALMOST ALL THE JUVENILE PROCEEDINGS, IF NOT ALL THE PROCHLGTS WARD METZGER AS WELL AS JUDGE TEMMER HERE TO SPEAK ON BEHALF OF THE STEERING COMMITTEE ON FAMILIES AND COURTS, THEY CAN PROBABLY GIVE YOU MORE EXPERIENCE BECAUSE I DON'T HAVE AS MUCH EXPERIENCE FROM DAY-TO-DAY. TO ANSWER FROM MY PERSPECTIVE AND MAJORITY RULES PERSPECTIVE , THE WAY WE ENVISIONED, THE COURT WOULD START WITH A CHILD AND A PARENT. WOULD APPEAR BEFORE THE COURT. THE COURT WOULD SAY THIS IS AN ARRAIGNMENT , ARE YOU HERE ON ARRAIGNMENT? THE FIRST QUESTION THE COURT WOULD ASK , HAVE YOU TALKED TO AN ATTORNEY ABOUT THIS MATTER? IF THE CHILD , AND THAT IS WHAT THIS RULE ENVISIONS BECAUSE THEY MUST HAVE A MEANINGFUL OPPORTUNITY TO CONFER WITH COUNSEL BEFORE THEY WAIVETHEIR RIGHTS AND ENTER A BELIEVE GUILTY. SO THE FIRST QUESTION WOULD BEHAVE YOU TALKED TO AN ATTORNEY? IF THE TRIAL SAYS YES THE COURT WOULD PROBABLY INQUIRE , WHO DID YOU SPEAK WITH? AND MAY GO INTO A COLLOQUY ABOUT THAT. IF THEY SAY N O , THE COURT WOULD SAY THERE IS A PUBLIC DEFENDER I WANT TO SPEAK TO BEFORE YOU ENTER YOUR APPEARANCE.

WOULD YOU HAVE TO FIRST ASCERTAIN WHETHER THAT CHILD IS INDIGENT BECAUSE UNDER THE RULES THE PUBLIC DEFENDER IS ONLY GOING TO BE ABLE TO REPRESENT SOMEONE I F THAT PERSON IS INDIGENT.

AND AGAIN , WARD METZGER CAN PROBABLY ANSWER BETTER ON THAT PARTICULAR ISSUE. BUT FROM MY CONVERSATION WITH SEVERAL PUBLIC DEFENDERS , NO , THEY WOULD BE ASSIGNED TO TALK TO THIS CHILD , NOT APPOINTED. SO IT IS NOT QIMENT A N APPOINTMENT. AS A MATTER OF FACT THE LEGISLATURE RECENTLY MODIFIED THE , THE ARTICLE FIVE REVISION SEVEN PART AND SAID THE PUBLIC DEFENDER SHOULD ALSO ASSIST IN THE FILLING OUT OF THE INDEPENDENT JAENS FORMS. I ENVISION IT BEING SOMETHING LIKE THIS.

INDEPENDENT DIFFICULT JENSY FORM WOULD INDICATE THE PERSON IS INDEPENDENT YENT. I GUESS I HAVE A PROBLEM WITH THE PUBLIC DEFENDANT GOING TO TALK TO ANYONE WITHOUT ANY DETERMINATION THAT THIS PERSON WOULD QUALIFY FOR THE SERVICES OF A PUBLIC DEFENDER , WHETHER YOU ARE TALKING ABOUT APPOINTMENT OR JUST TALKING TO THEM. RIGHT. AND AGAIN I THINK THAT QUESTION IS BETTER FOR WARD METZGER BECAUSE I THINK I N MANY COURTS THROUGHOUT THE STATE AS WELL AS JUDGE TEN PER WILL TALK TO YOU , MANY COURTS THROUGHOUT THE STATE I T ALSO HAPPENS.

LET'S ASSUME FOR THE MOMENT THAT THE JUVENILE IS NOT INDIGENT, AND LET'S ASSUME FURTHER THAT THE JUDGE SAYS WELL IF YOU'RE NOT INDIGENT , I CAN'T LET YOU SPEAK WITH A PUBLIC DEFENDER BUT YOU DO NEED TO SPEAK T O AN ATTORNEY , UNDER THIS RULE BEFORE YOU WAIVE . DOES NOW THE FAMILY NEED T O GO AND HIRE AN ATTORNEY FOR THE EXPRESS

PURPOSE OF DETERMINING WHETHER WAIVER IS APPROPRIATE?

YES, YOUR HONOR. AND THAT IS ACTUALLY ALREADY ENVISIONED IN 985.203 WHICH IS STATUTE DEALING WITH THIS PARTICULAR ISSUE. A BECAUSE IT IS ALSO COMMON A PARENT MAY REFUSE TO WANT TO HIRE ATTORNEY. THE REASON THE CHILD MAY BE ENTERING THIS PLEA IS BECAUSE CHILDREN GENERALLY DON'T HAVE MONEY. AND THE PARENTS MAY REFUSE TO PROVIDE COUNSEL. WELL 985203 GIVES THE COURT AUTHORITY TO APPOINT A PAID ATTORNEY FOR A NON-INDIGENT CLIENT AND ORDER THE PARENTS TO PAY FOR THAT A TTORNEY. SO YES THERE IS ALREADY A PROCEDURE THAT RECOGNIZES THAT UNFORTUNATELY MANY TIMES CHILDREN DO NOT HAVE COUNSEL , THEY'RE NOT INDIGENT BUT IT IS BECAUSE OF A PARENT AFS REPS TO SUPPORT THEM.

THAT STATUTE CONTEMPLATES THAT THEN THE CHILD IS GOING TO HAVE COUNSEL.

THAT'S CORRECT , YOUR HONOR.

BUT WHAT THIS CONTEMPLATES THAT THERE IS NEVER GOING TO BE AT THE OUTSET AN ATTORNEY-CLIENT RELATIONSHIP , CORRECT? I MEAN THAT SEEMS TO ME TO B E KIND OF FOREIGN T O THE WHOLE CONCEPT HERE. IF YOU HAVE GOT A LAWYER WHO IS NOT REALLY A HOUR WHO IS ADVISING THIS CHILD AS TO WHETHER OR NOT TO.

UNDER THE RULES OF PROFESSIONAL CONDUCT, I WOULD SUBMIT THERE IS A ATTORNEY-CLIENT RELATIONSHIP CREATED ONCE YOU START THAT CONVERSATION. CERTAINLY CONFIDENTIALITY KICKS IN. I THINK JUSTICE QUINCE'S QUESTION WAS ABOUT CAN WE HAVE A PUBLIC DEFENDER WHO IS PAID FOR BY THE STATE BE ASSIGNED AND NOT APPOINTED? IS WHAT I UNDERSTOOD YOUR QUESTION TO BE.

I JUST WANT TO GO BACK , AND WE ARE TALKING ABOUT THE FAVORITE PHRASE OF JUSTICE WELLS, THE DEVILS IN THE DETAIL AND WE ARE ASKING SOME OF THOSE QUESTIONS. BUT JUST BEFORE YOUR TIME IS UP SINCE YOU WERE ON THE COMMISSION, I YOU SAID THAT THE PRESENT TIME IN A LOT OF COURTROOMS AROUND THE STATE , THIS IS IN FACT ALREADY DONE. BUT YOU SAID WHY WAS IT THEN THAT THE COMMISSION SAW THE NEED FOR THIS RULE? WHAT WERE THE PROBLEMS THAT CAME TO THE COURT TO THE COMMISSION'S ATTENTION THAT WOULD WARRANT A CHANGE IN THE RULE TO REQUIRE THAT THERE BE SOME MEANINGFUL CONSULTATION?

AND I'LL QUOTE FROM THE COMMISSION REPORT. WHICH IS THE COMMISSION SAID IT WAS ALARMING TO MANY COMMISSIONERS, WAS THAT THE CHILDREN ENTITLED TO REPRESENTATION I N DELINQUENCY CASES OFTEN WAIVED THAT RIGHT. UNIVERSITY OF FLORIDA RESEARCHERS AND IT LISTS THE RESEARCHERS SHARED PRELIMINARY FINDINGS ON JUVENILES TRANSFERRED TO ADULT COURT WHO HAVE NO LAWYER BECAUSE THEY WAIVE THEIR CONSTITUTIONAL RIGHT TO LAWYERS. AND THEN IT WENT THROUGH. SO IT WAS THAT IN MANY PARTSO F THE STATE , IT I S HAPPENING , BUT THEY WERE ALARMED TO HEAR THAT ANY CHILDREN WERE PLEADING WITHOUT COUNSEL AND THAT IS WHY THEY MADE THIS RECOMMENDATION.

IN OTHER WORDS , THE PLEA WAS BEING , NOT THAT NECESSARILY THAT , THERE WOULD BE NO GOOD REASON FOR THEM NOT TO HAVE A LAWYER , ESPECIALLY IF THEY COULDN'T AFFORD ONE , BEFORE ENTERING A PLEA THAT THE COMMISSION WAS INTERESTED THAT THE PLEA ITSELF BE AN INFORMED PLEA AND THAT YOU HAVE, THAT I F POSSIBLE , THAT THE JUVENILE HAVE A LAWYER FOR THAT PART OF THE CASE?

YES , YOUR HONOR. AND TO MAKE IT CLEAR BECAUSE I THINK THE MINORITY ISSUE IS THAT WE ARE SOMEHOW CREATING A SUBSTANTIVE RIGHT RATHER THAN A PROCEDURAL RIGHT. AND I DRIS AGREE AND MAJORITY DISAGREES. THE RIGHT IS CREATED IN THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION. THE UNITED STATES SAID IN RAY GALL SAID THE CHILD

NEEDS THE GUIDING HAND OF AN ATTORNEY IN EVERY STAGE OF THE PROCEEDING. 985203 SAYS A CHILD SHALL HAVE A RIGHT TO REPRESENTATION AT EVERY STAGE OF THE PROCEEDING. NOT EVERY CRITICAL STAGE BUT EVERY STAGE OF THE PROCEEDING. WITH THIS WHAT THIS RULE DOES, IT CREATES THE PROCEDURE NOT FOR IMPLEMENTING THAT BUT FOR MAKING SURE THAT THERE ARE GUARANTEES BEFORE THAT RIGHT THAT SUBSTANTIVE RIGHT CREATED BY THE CONSTITUTION AND LEGISLATIVE IS WAIVED.

DOES SIXTH AMENDMENT DIFFER FOR CHILDREN THAN IT DOES FOR ADULTS?

I AM THINKING ABOUT ALL THE CLAUSES OF THE SIXTH AMENDMENT.

AS IT APPLIES TO COUNSEL?

NO , YOUR HONOR.

SO IF YOU FOLLOW THAT LOGIC , THEN THERE WOULD NEED TO BE FOR EVERY ADULT ADVICE OF COUNSEL AS TO , AS TO ANY WAIVER?

OKAY. LET ME CORRECT IT A LITTLE BIT. IN THE SENSE THAT THE SIXTH AMENDMENT APPLIES THAT EVERY DEFENDANT WHETHER THEY BE AN ADULT OR A CHILD CHARGED WITH A DELINQUENT ACT , MAKING KNOWING AND INTELLIGENT FREE WAIVER OF THEIR RIGHT TO COUNSEL , THAT'S WHAT THE SIXTH AMENDMENT SAYS. THE ISSUE WHY THESE PROCEDURES ARE NECESSARY IS BECAUSE WITH CHILDREN, WE RECOGNIZE AS THIS COURT RECOGNIZED IN STATE VERSUS TG , THAT THERE NEEDS TO BE EXTRA CAUTION WHEN WE ARE DEALING WITH CHILDREN WAIVING THEIR RIGHTS. SO YES THE BASIC RIGHT IS THE SAME, AND THE WAIVER IS THE SAME. AND I SEE I AM OUT OF TIME.

CAN I ASK YOU QUOTED WHAT THE REPORT INDICATED. WHAT WAS THE RESEARCH AND FINDINGS AS TO CHILDREN PLEADING TO CRIMES TO WHICH THEY DID NOT COMMIT ?

YES , YOU CAN RESPOND.

AND ACTUALLY THIS , WHAT THE REPORT INDICATES AND I DON'T HAVE THE BACKUP FINDING FOR THE REPORT , BUT THE REPORT INDICATED WAS THE CONCERN ABOUT RECIDIVISM AND THERE WAS A HIGHER RATE OF RECIDIVISM BY THOSE CHILDREN WHO PLEAD WITHOUT ADVICE OF COUNSEL THAN THOSE CHILDREN THAT DIDN'T.

BUT WHAT DOES THAT HAVE TO DO WITH WHETHER THEY COMMITTED THE OFFENSE OR NOT? OR PLEADING TO CRIMES THEY DID NOT COMMIT.

IT MAY NOT ADDRESS THAT PARTICULAR ISSUE.

THANK YOU.

THANK YOU , YOUR HONOR.

GOOD MORNING.

GOOD MORNING , MAY IT PLEASE THE COURT. I'M WARD METZGER FROM THE PUBLIC DEFENDER'S OFFICE IN JACKSONVILLE. I'M HERE TODAY ON BEHALF OF NANCY DANIELS FROM TALLAHASSEE AND THE FLORIDA PUBLIC DEFENDER ASSOCIATION. BEFORE I ADDRESS THE QUESTIONS THAT SEEM TO HAVE BEEN DEFERRED TO ME , LET ME ASSURE THE COURT THAT IN FACT THE PUBLIC DEFENDERS DO WHOLEHEARTEDLY SUPPORT THIS RULE AND THE CONCEPT BEHIND THE RULE. WE

BELIEVE THAT IT IS CRUCIAL THAT THE CHILDREN IN THE COURTROOMS OF THE STATE OF FLORIDA UNDERSTAND BEFORE THEY ENTER A PLEA , BEFORE THEY WAIVE COUNSEL , WHAT IT IS IN FACT THAT THEY ARE GIVING UP.

HAS THE PUBLIC DEFENDERS DONE A , AN ANALYSIS OF THE , HOW MANY MORE LAWYERS THE PUBLIC DEFENDER WOULD NEED IN ORDER TO PROVIDE THIS SERVICE? IN OTHER WORDS , THE FISCAL IMPACT?

JUSTICE WELLS , WE HAVE NOT DONE THAT FORMALLY. I HAVE DISCUSSED I T WITH BOTH MY OFFICE AND MS. DANIELS. WE BELIEVE A T THIS POINT IN TIME THAT THERE WILL NOT BE A DIRECT FISCAL IMPACT , THE DIRECT CORRELATION BETWEEN OUR BEING ASKED TO PARTICIPATE IN THIS PROCESS AND AN INCREASED CASE LOAD.

WE KNOW I N THE COURTROOMS THROUGHOUT THE STATE THAT THE REGULAR PRACTICE IS , IF I UNDERSTAND, THAT THERE IS A PUBLIC DEFENDER.

CORRECT.

AVAILABLE IN THERE FOR WHEN THE COURT MAKES AN APPOINTMENT.AS THE COURT FREQUENTLY DOES IN THOSE SETTINGS. AND IS IT CLEAR HERE THAT THE PUBLIC DEFENDERS THROUGHOUT THE STATE OF FLORIDA ARE WILLING TO TAKE ON THIS ADDITIONAL RESPONSIBILITY TOO , WHETHER YOU CALL IT AN ASSIGNMENT OR APPOINTMENT OR WHATEVER, OF COUNSELING WITH THE JUVENILES ABOUT THE WAIVER OF COUNSEL?

YES , WE ARE.

IS THAT CLEAR THAT THAT RESPONSIBILITY IN ADDITION AS I SAY , OF BEING AVAILABLE IN THE COURTROOM FOR THESE APPOINTMENTS, THEY WOULD JUST OPERATE IT , IF I UNDERSTAND IT THEN, JUST AS IT OPERATES NOW , IT IS JUST THA T THERE WOULD BE THIS EXTRA PROCEDURE , IS THAT CORRECT?

I THINK THAT'S CORRECT. I THINK GENERALLY WE WOULD BE VIEWING THIS AS A REQUEST FROM THE JUDGE WHILE WE HAVE SOMEONE IN COURT ANYWAY , WOULD YOU PLEASE GO OVER AND TALK TO THIS CHILD?

LET ME ASK A QUESTION ON THAT. IF YOU HAVE MULTIPLE JUVENILES ARE SOCIAL CREATURES AND THEY TEND TO COMMIT CRIMES IN GROUPS. SO , WHAT D O YOU DO WITH THE CONFLICT OF INTEREST?

AT THAT POINT IN TIME , I WOULD HOPE THAT THERE WOULD BE PRIVATE COUNSEL IN THE COURTROOM , AS THERE OFTEN ARE IN THE VARIOUS COURTROOMS , DUE TO THESE CONFLICT SITUATIONS , AND THAT A JUDGE COULD ASK PRIVATE COUNSEL , WOULD YOU TAKE A MINUTE AND PLEASE TALK TO THIS CHILD?

HOW ABOUT THE ISSUE HAS BEEN, BEEN ASSERTED THAT WE ARE REALLY CONCERNED SOMEBODY'S GOING TO TAKE BENEFIT OF SOMETHING TO WHICH THEY'RE NOT ENTITLED. THAT A PUBLIC DEFENDER MAY TALK TO SOMEONE WHO , TO HELP A CHILD THROUGH THIS PROCESS , BUT THEY'RE REALLY NOT ENTITLED TO IT. WOULD IT REQUIRE LEGISLATION FOR THE COURT , IF YOU HAVE A SITUATION WHERE YOU DO HAVE SOMEONE FROM A WELL TO DO FAMILY, THE PARENTS JUST DON'T WANT TO PROVIDE COUNSEL , AND A PUBLIC DEFENDER WOULD PROVIDE THAT CONSULTATION JUST FOR WHATEVER PERIOD IS INVOLVED , WOULD REQUIRE LEGISLATION TO ASSESS THAT AS A COST OF THAT PROCEEDING OR IN THAT PROCEEDING IN SOME FASHION? OR IS THERE ANY OTHER SIMILAR SITUATION , FOR EXAMPLE , YOU REPRESENT SOMEONE WHO MISREPRESENTS THEMSELVES AS A N INDIGENT AND THEY REALLY AREN'T AND SOMEWHERE DOWN THE ROAD, IS THAT ASSESSED AS A COST OR WHAT HAPPENS?

JUSTICE LEWIS , I THINK UNLESS WE ACTUALLY GET T O THE POINT THAT WE ARE APPOINTED , THAT'S REALLY NOT AN ISSUE. IF WE ARE APPOINTED , THEN THERE WOULD BE A COST OBVIOUSLY AND YOU KNOW , THAT WOULD BE ABSORBED BY OUR CASE LOADS AND THE WAY OUR OFFICESWORK. BUT I DON'T THINK IN THE SCENARIO OF BEING ASKED TO TALK TO A CHILD THAT THERE ARE ANY COSTS INVOLVED.

HOW MANY - - WAR W E TALKING ABOUT IN TERMS OF NUMBERS HERE ACROSS THE STATE?

I THINK IT DEPENDS ON WHEREYOU ARE.

BUT GIVE ME SOME IDEA O F WHAT THE STATEWIDE TOTAL.

JUSTICE WELLS , IF I COULD , I WOULD. I HONESTLY CANNOT DO THAT.

NO ONE KNOWS HOW MANY CHILDREN THAT THERE WOULD BE THAT WOULD BE 234 IN THIS SITUATION? SO HOW CAN W E KNOW WHAT THE FISCAL IMPACT ON THE PUBLIC DEFENDER'S OFFICE?

AGAIN, UNTIL WE ARE ACTUALLY APPOINTED I DON'T BELIEVE THERE IS A FISCAL IMPACT. LET ME ANSWER IT THIS WAY. IN JACKSONVILLE FOR EXAMPLE , WHICH I AM INTIMATELY FAMILIAR WITH, THERE IS GOING TO B E NO IMPACT. I RAN OUR JUVENILE PROGRAM FOR A NUMBER OF YEARS IN THE EARLY 90s AND I HAD AN INFORMAL AGREEMENT WITH THE JUDGES SITTING ON THE BENCH THAT NO CHILD WOULD GO UNREPRESENTED. NOW I CAN'T TELL YOU THAT'S ABSOLUTE TO THIS DAY BUT IT IS PRETTY CLOSE.

AND REPRESENTED , YOU MEAN , EVEN , IF THEY WERE GOING TO ENTER A PLEA , THAT THEY'D STILL BE REPRESENTED THROUGHOUT THAT TIME?

CHIEF JUSTICE ANSTEAD , I SEE MY LIGHT.

GO AHEAD , RESPOND.

YES , THAT IS THE AGREEMENT THAT NO CHILD THAT COMES IN IN COURT , WOULD BE UNREPRESENTED IF THEY WERE GOING TO ENTER A PLEA OR GO THROUGH ANY FURTHER PROCESS.

SO THE IDEA TO YOU THAT THERE MIGHT BE SOME PARTS OF THE STATE WHERE A CHILD WITHOUT A PARENT WOULD ACTUALLY BE COMING IN AND ENTERING A PLEA THAT MIGHT BE , YOU KNOW , SIGNIFICANTLY IMPACTING THEM FOR LIFE , IS SOMETHING THAT YOU JUST I N JACKSONVILLE WOULD NOT HAVE HAPPENED?

IT WON'T HAPPEN AND WE THINK THINK THAT THAT SCENARIO WOULD BE WRONG ANYWHERE.

BUT YOU'RE HERE T O EMPHASIS THAT THE EMPHASIZE THAT THE PUBLIC DEFENDERS THROUGHOUT THE STATE ARE WILLING TO SUPPORT THIS AND WILLING TO TAKE IT ON NOW SUBJECT TO WHAT MAY HAPPEN DOWN THE ROAD?

THAT IS ABSOLUTELY CORRECT. THANK YOU VERY MUCH.

GOOD MORNING.

GOOD MORNING , MAY IT PLEASE THE COURT. I AM JENNIFER PARKER AND I AM HERE AS THE CHAIR OF THE JUVENILE RULES COMMITTEE AND I AM GOING TO SPEAK VERY BRIEFLY ON THE MINORITY OPINION.

AND YOU'RE ALSO FOR THE RECORD, YOU'RE ALSO GENERAL COUNSEL FOR THE DEPARTMENT OF JUVENILE JUSTICE.

THAT'S CORRECT.

ARE YOU ALSO SPEAKING IN YOUR CAPACITY AS COUNSEL FOR THE DEPARTMENT OF JUVENILE JUSTICE?

NO , I'M NOT. I'M HERE MERELY AS THE CHAIR OF THE JUVENILE RULES COMMITTEE.

SO WERE YOU IN THE MINORITY FOR THE , THIS BECAUSE THERE WAS A VOTE WHICH WAS NOT UNANIMOUS FOR THE JUVENILE RULES COMMITTEE.

RIGHT. IN THE ORIGINAL VOTE I PERSONALLY WAS IN THE MINORITY , YES. AND THE MINORITY OPINION IS THAT MERELY TO MANDATE THAT A CHILD BE REPRESENTED BY COUNSEL CONFIRMED SUBSTANTIVE RIGHT VERSUS A PROCEDURAL RIGHT AND AS SUCH , THE STATUTE SHOULD BE AMENDED WERE WE TO PROCEED WITH GIVING EVERY CHILD AN ATTORNEY. THAT IT IS NOT PROCEDURAL , IT IS SUBSTANTIVE. AND TO APPROPRIATELY REACH THE THE CONCLUSION OF HAVING A CHILD REPRESENTED , THAT NEEDS TO BE IN CHAPTER 95.203 AND THAT TAKE RIGHT BE CONFERED AT THAT POINT.

WELL HOW DOES IT WORK , IN OTHER WORDS NOW , AS MR. METZGER SAYS IN PLACES LIKE JACKSONVILLE , AND I KNOW OF OTHER CIRCUITS THROUGHOUT THE STATE WHERE THAT SAME PRACTICE IS FOLLOWED , HAS THE DEPARTMENT OBJECTED TO THAT PRACTICE IN THOSE COURTROOM?

ABSOLUTELY NOT. AND IT WOULD BE , AGAIN I AM NOT REALLY HERE FOR THE DEPARTMENT. BUT IT WOULD BE THE DEPARTMENT'S POSITION THAT EVERY CHILD BE REPRESENTED. EVERY CHILD BE REPRESENTED BEFORE THEY PROCEED. IT IS JUST OUR OPINION THAT THE STATUTE NEEDS TO INDICATE THAT, NOT THE RULE.

BUT YOU DIDN'T SO AGAIN CLARIFYING THIS. ON THE PART OF THE DEPARTMENT OF JUVENILE JUSTICE DID NOT FILE A COMMENT IN OPPOSITION?

NO , ABSOLUTELY NOT. AND IN FACT , LET ME SAY FOR THE RECORD THAT WHEN COMMENTS WERE RECEIVED , THE COMMITTEE , THE JUVENILE RULES COMMITTEE VOTED AGAIN AND THE VOTE I BELIEVE WAS 19 TO ZERO TO UNANIMOUSLY PASS AND TO NOT , THERE WAS NO NOBODY.

THERE WAS NO OPPOSITION AT THAT POINT?

ABSOLUTE I NOT WHEN THE COMMITTEE RECONSIDERED THIS.

I AM CONCERNED WITH THE REASONING OR LOGIC. YOU DO AGREE THERE IS CASE AUTHORITY THAT SAYS CHILDREN ARE ENTITLED TO REPRESENTATION?

ABSOLUTELY.

AND WHY IS THIS NOT PART OF THE PROCESS IN DETERMINING WHETHER THAT WILL BE IMPLEMENTED OR WAIVED? BY RULE SAYING YOU SPEAK TO ONE?

I BELIEVE THAT THIS RULE MANDATES THAT THE CHILD HAVE AN ATTORNEY AND NOT BE ABLE TO WAIVE IT , OR ALLOW THE COURT TO WAIVE IT. THIS RULE SAYS THE CHILD MUST HAVE AN ATTORNEY , THEREFORE YOU'RE CONFERRING A RIGHT AND THE STATUTE NEEDS TO GIVE THAT AUTHORITY.

I AS I UNDERSTOOD THE RULE , THE CHILD WOULD SPEAK TO A LAWYER JUST BEFORE THE WAIVER. THAT DOESN'T MANDATE THAT THE CHILD HAVE A LAWYER ALL THE WAY THROUGH THE PROCESS, DID IT?

THAT IS ALSO TRUE YOUR HONOR.

YOU AGREE THE RIGHT TO THE LAWYER COMES FROM THE CONSTITUTION?

YES.

AS INTERPRETED BY THE U.S. SUPREME COURT?

YES, I DO.

THANK YOU.

THANK YOU .

GOOD MORNING. I'M LYNN TEN PER , I AM THE CIRCUIT JUDGE IN THE SIXTH JUDICIAL CIRCUIT IN DADE CITY. I AM HERE ON BEHALF OF THE SUPREME COURT'S COMMITTEE ON FAMILY AND COURTS. I SERVED ON THE LEGAL NEEDS OF CHILDREN THAT DEALT WITH THIS ISSUE AND I WAS AN ASSISTANT PUBLIC DEFENDER IN A PRIOR LIFE .

COULD YOU ALSO CLARIFY SOMETHING?YOU WROTE THE LETTER , THE COMMENT LETTER. AND IT INDICATED THAT THEREHAD BEEN A VOTE.

YES ,.

OF 12-3 AND 1 AND THEN SAID THERE WERE A NUMBER OF CONCERNS RAISED.

THOSE WERE THE CONCERNS, THE MINORITY. THOSE WE FELT W E SHOULD EXPRESS WHAT THOSE CONCERNS WERE. CLEAR MAJORITY INDICATED THEY WERE IN FAVOR OF THIS CHANGE , THAT THERE BE AN OPPORTUNITY TO MEANINGFULLY CONSULT WITH AN ATTORNEY BEFORE ONE WAIVED THE RIGHT TO AN ATTORNEY. THESE CONCERNS , SOME O F WHICH ARE MOOT NOW BECAUSE THE PUBLIC DEFENDERS OFFICE SAYSIT IS NOT AN ISSUE. SO THAT DOES AWAY WITH THAT. THERE WERE OF THE THREE , I WOULD POINT OUT ONE WAS A N ASSISTANT STATE ATTORNEY , WHO I BELIEVE HAS A MOTIVATION TO CONCLUDE CASES PROMPTLY. ONE WAS COUNSEL FOR THE DEPARTMENT OF JUVENILE JUSTICE, WHO I BELIEVE THE DEPARTMENT OF JUVENILE JUSTICE HAS A MOTIVATION TO CONCLUDE CASES QUICKLY.

JUST SO WE ARE CLEAR , MS. PARKER WAS ACTUALLY NOT OPPOSED TO IT , BUT .

THESE WERE CONCERNS. AND OF COURSE THE MAJORITY US DID NOT BELIEVE IT IS A SUBSTANTIVE ISSUE. THIS IS MERELY PROCEDURAL.

MOST OF THE MEMBERS OF THE COMMITTEE ARE JUDGES. AND SO I S THIS SOMETHING THAT IS , WAS SEEN WAS THIS A PROBLEM IN DADE CITY , THAT IS CHILDREN WITHOUT PARENTSSHOWING UP IN COURT AND PLEADING GUILTY WITHOUT A N ATTORNEY?

WELL , THAT DOESN'T HAPPEN WITH ME. BECAUSE I AM LIKE THE JACKSONVILLE COURTS. WE HAVE A UNWRITTEN AGREEMENT WITH THE PUBLIC DEFENDER'S OFFICE, THEY ARE IN COURT THROUGH EVERY ARRAIGNMENT, REGARDLESS WHETHER THEY'RE UNREPRESENTED JUVENILES ON THE CALENDAR OR NOT. AND IF I ASK THEM TO CONSULT WITH A JUVENILE THOSE THERE WITHOUT A PARENT OR JUVENILE WITH A PARENT WHO MAKES IT VERY APPARENT THAT THEIR PRIORITY IS TO GET OUT OF THAT COURT , NOT COME BACK , NOT MISS ANOTHER DAY OF WORK ,

NOT SPEND A DIME ON THIS CHILD , WHO IS SUCH A NUISANCE T O THEM.

SO WHAT D O YOU EXPLAIN TO ME THIS ARGUMENT FROM YOUR PERSPECTIVE OF THE PROCEDURAL VERSUS SUBSTANTIVE . AND WHAT'S YOUR WHAT YOU ENCOMPASS IN BEING PROCEDURAL.

WELL , CHILDREN HAVE A RIGHT TO COUNSEL. COURTS TAKE WAIVERS ALL THE TIME.

A PROCEDURAL RIGHT.

HOW WE TAKE THAT WAIVER IS PROCEDURAL. IT IS NOT CONFERRING A RIGHT. WE ARE NOT CONFERRING ANY RIGHT ON A CHILD. THE RIGHT EXISTS. IT IS TO ASSURE THAT THE JUDGES AND I BELIEVE IT I S FRANKLY PROBABLY THE MAJORITY OF JUDGES IN THIS IS STATE WHO MAY NOT D O WHAT WE DO IN DADE CITY OR DO WHAT THEY DO IN DUVAL COUNTY , DO WHAT THEY DO IN MANY JURISDICTIONS AND HAVE A CHILD CONFER. I SHOULD POINT OUT TO YOU THAT WHEN THE WAIVER OF COUNSEL IS TAKEN , THAT THERE HAVE BEEN 35 CASES THAT HAVE GONE UP ON APPEAL. SUPREME COURT AND TO EVERY DISTRICT. 33 OUT OF 35 OF THOSE REVERSED AND SAID IT WAS NOT A VALID WAIVER OF COUNSEL. THAT TELLS ME THAT IT IS A QUESTION. NOW ON THOSE CASES I CANNOT TELL YOU HOW MANY O F THEM HAD AN INFORMAL CONTACT WITH THE ASSISTANT PUBLIC DEFENDER. I WOULD SUSPECT THAT THAT WAS NOT THE CASE.

I TAKE IT THAT YOU ALL SEE THIS AS A VERY VALUABLE QUALITY CONTROL DEVICE?

ABSOLUTELY. I'M CONCERNED THAT I HAVE CHILDREN WHOSE PARENTS HAVE THE WRONG MOTIVATION AT HEART. IT IS THE CHILDREN'S RIGHTS THAT ARE AT ISSUE. THESE CHILDREN AND THESE FAMILIES ARE IN CRISIS.

LET ME ASK YOU A QUESTION. YOU'RE DEMANDING THIS IN EVERY CASE. LET'S SAY YOU HAVE A BUS , TEN KIDS GET INTO A FIGHT ON THE BUS BECAUSE THEY'RE CHARGED WITH DISRUPTING A SCHOOL FUNCTION. THEY HAVE ALL I N THE WRITTEN REPORT ADMITTED IT TO THE POLICE OFFICERS. THERE IS NO DEFENSE. THEY COME UP AND YOU HAVE GOT TEN DEFENDANTS AND IN YOUR I DID THE SAME THING YOU DID WHEN I WAS ON THE TRIAL BENCH. MY QUESTION IS THOUGH , HOW WOULD THIS IMPACT THOSE , THAT CIRCUMSTANCE WITH THOSE KIDS HAVING TO TALK TO AN ATTORNEY? ARE WE GOING TO HAVE TO GET CONFLICT FREE?

I THINK THAT THE SUGGESTION THAT THERE ARE PRIVATE ATTORNEYS IN THE COURTROOM THAT CAN ACT AS THAT CAN SOLVE THE PROBLEM. BUT JUST BECAUSE THERE ARE CO-DEFENDANTS ISN'T NECESSARILY ALWAYS A PROBLEM. IN CASES LIKE THAT , OFTEN WHERE THERE IS MULTIPLE DEFENDANTS AND THERE I S REST STI TUTION ISSUES , I HAVE HAD CASES WITH HUNDREDS OF THOUSANDS OF RESTITUTION DOLLARS ON SCHOOLS AND WE HAD SIGNIFICANT HEARINGS ON THEQUESTION OF WHO WAS RESPONSIBLE FOR WHAT. AND IT WAS VERY IMPORTANT THAT THOSE INDIVIDUALS NOT WAIVE COUNSEL AND SAY WELL I DID IT , I KNOW I DID I T , AND YOU HAVE TO MAKE VERY CLEAR IN THIS COLLOQUY WITH THE CHILD THAT THEY UNDERSTAND THAT THIS PLEA MEANS YOU MAY BE PAYING \$200,000 OR YOUR SHARE OF RESTITUTION. IN DOING THE COLLOQUY WITH THE COURT , JUSTICE WELLS , I KNOW YOU HAVE CONCERNS AS TO WHETHER THIS WILL SLOW THINGS DOWN, ARE WE GOING , AND JUSTICE QUINCE , APPOINTING THEM FORMALLY? IT IS AN OPPORTUNITY TO CONFER. THEY MAY CONFER. I MAY MAKE AN CHOIR RI AND FIND OUT THEY ALREADY SPOKE WITH AN ATTORNEY.

I GUESS ONE OF THE OTHER PROBLEMS I SEE , IS WHAT WILL YOU HAVE YOUR PUBLIC DEFENDER THERE AND THEY'RE WILLING TO DO IT AND THEY DO THAT I N JACKSONVILLE. BUT WHAT ABOUT SOME JURISDICTION WHERE THE PUBLIC DEFENDER IS NOT AVAILABLE OR WILL NOT TALK WITH CHILDREN WHO ARE NOT INDIGENT? WHAT DO YOU DO IN THOSE SITUATIONS? WHO ARE THESE CHILDREN GOING TO CONSULT WITH?

MR. METZGER IS HERE ON BEHALF OF THE PUBLIC DEFENDER'S ASSOCIATION. HE INDICATES THE PUBLIC DEFENDERS ASSOCIATION, WHICH IS ALL OF THE PUBLIC DEFENDERS IN THE STATE IS WILLING TO TAKE THIS ON.

BUT THEY DON'T HAVE A STATUTORY OBLIGATION.

THEY DO NOT HAVE ANY STATUTORY OBLIGATION. BUT WITH THIS RULE, IT WILL MAKE IT CLEAR THAT THEY WOULD NEED TO BE THERE. AGAIN, CHILDREN CAN WAIVE THEIR RIGHT TO COUNSEL. THIS DOESN'T MEAN THAT THE PUBLIC DEFENDER WILL BE WITH THE CHILD THROUGH EVERY STAGE OF THE PROCEEDINGS. AND IT DOESN'T MEAN THAT CHILDREN WHOSE FAMILIES CAN AFFORD AN ATTORNEY WILL NECESSARILY END UP WITH A PUBLIC DEFENDER AT AN ADJUDICATORY HEARING. WHAT IT MAY MEAN IS THE COURT IS GOING TO HAVE TO CONFIRM THAT THEY WERE CONSULTED WITH AN ATTORNEY AND IT MAY BE JUDGE, WE WENT AND PAID A LAWYER. AND THE JUDGE WILL INQUIRE TO BE SURE INDEED THERE WAS SUCH A CONSULT. THAT THEY DID DISCUSS THEIR RIGHTS. AND THEN I MAY PERMIT THEM TO SIGN THE WAIVER AND UNDER THIS AMENDMENT THE PARENT WOULD CONFIRM THAT THEY INDEED HAD CONSULTED WITH AN ATTORNEY. IT MAY BE I HAVE A CHILD WHO IS BEING PROSECUTED FOR DOMESTIC VIOLENCE. THE VERY PARENT BEING ASKED TO PAY FOR THE ATTORNEY IS THE NAMED VICTIM. IT IS MY POLICY FRANKLY TO APPOINT THE PUBLIC DEFENDER.

WHAT YOU'RE TELLING US JUDGE TENNER, IN YOUR COURT AND JACKSONVILLE AND DUVAL COUNTY, THIS WORKS AND HAS BEEN WORKING THROUGHOUT HISTORY. SO THERE IS NO PROBLEM. THE CONCERN THAT I HAVE IS THAT ONCE WE MAKE IT A MANDATE, WHETHER WE ARE MAKING IT A PROBLEM BECAUSE OF THE FACT THAT IF IT IS SOMETHING THAT THE PUBLIC DEFENDERS DON'T STATUTORILY, AREN'T REQUIRED TO DO, AND IT IS NOT AND IT DOES HAVE A FISCAL IMPACT, WHICH NO ONE SEEMS TO REALLY HAVE ANY INFORMATION ABOUT, THEN THE PUBLIC DEFENDERS IS CONSTANTLY, EVER SINCE I HAVE BEEN ON THIS COURT, IN A FINANCIAL CRISIS.

I THINK THERE IS A INHERENT MISUNDERSTANDING AS TO WHAT IMPACT THIS WILL HAVE UPON THE PUBLIC DEFENDERS OFFICE. THERE IS ALREADY A FINANCIAL, A FISCAL IMPACT. YOU HAVE 33 CASES ON APPEAL THAT ARE BEING REVERSED AND WE ARE GOING TO HAVE TO TRY THEM AGAIN BECAUSE THEY WERE NOT A KNOWING WAIVER OF COUNSEL. THE PUBLIC DEFENDERS OFFICE MAY SIMPLY CONSULT WITH THE CHILD BRIEFLY AND THE CHILD IS SAYING AS WE OFTEN HEAR IN COURT, I AM GOING TO GO AHEAD AND PLEA, I DIDN'T DO IT BUT I JUST WANT OUT OF HERE.

IN THOSE 33 CASES, I DON'T KNOW IF YOU'RE FAMILIAR WITH ALL OF THEM.

NO, I'M NOT. I CAN GIVE YOU THE LIST.

I ASSUME THERE COULD BE CASES WHERE THE JUDGE SIMPLY DOES NOT PERFORM A COLLOQUY WITH THE JUVENILE TO DETERMINE THAT THE JUVENILE UNDERSTANDS THAT HE OR SHE HAS A RIGHT TO COUNSEL AND HAS KNOWINGLY VOLUNTARILY WAIVED THAT RIGHT.

OR THE CHILD HE QUIF VO INDICATED AND THE TRANSCRIPT INDICATED THEY MAY NOT FULLY UNDERSTAND IT. WE HAVE YOUNG CHILDREN IN COURT.

WHY CAN'T THAT BE TAKEN CARE OF THROUGH A COLLOQUY WITH THE JUDGE, AS I ASSUME IT IS IN MOST CASES? AND WHY CAN'T THE RULE, INSTEAD OF SAYING YOU HAVE TO CONSULT WITH COUNSEL, WHY DON'T WE JUST ESTABLISH A RULE THAT A CERTAIN COLLOQUY THAT NEEDS TO BE UNDERTAKEN WHICH WHEN THE RIGHT TO COUNSEL IS WAIVED?

I WOULD REFER YOU TO THE RESEARCH AND THE TESTIMONY AND LEGAL NEEDS OF CHILDREN COMMISSION THAT DID CONSIDER THESE ALTERNATIVES. YES WE EDUCATE JUDGES, YES WE CAN

IMPROVE THAT. BUT I HAVE FOUND THAT CHILDREN WHO MAY HAVE DEFENSES THEY DO NOT RECOGNIZE OR THEY'RE SIMPLY STATING TO THE COURT I DON'T WANT A N ATTORNEY , I DIDN'T DO IT , I WANT TO GET IT OVER WITH. THEIR MOTIVATION MAY NOT FULLY COME PRESENCE COMPREHEND THE CONSEQUENCES. ALTHOUGH I SAY THIS IS GOING TO COME BACK AND HAUNT YOU. I HAVE FOUND THE PUBLIC DEFENDER OFFICE IS VERY EFFECTIVE IN PERSUADING THEIR CLIENTS JUST EXACTLY WHAT THE IMPACT MAY BE IN A FEW YEARS.

THE INFORMAL PROBING BETWEEN A LAWYER AND A CHILD IS DIFFERENT.

EXACTLY.

I GUESS THE SINCE YOUHAVE BEEN DOING IT AND SINCE IT WAS DONE IN JACKSONVILLE AND OTHER PARTS , I PRESUME THAT THIS IS A AGAIN SOMETHING THAT IS PART OF COURT ALREADY HAS THIS INHERENT AUTHORITY , SO, IF NOBODY EVER CHALLENGED YOU , YOU DID NOT HAVE THAT AUTHORITY TO HAVE THAT CHARGE.

WHEN I ORDER PARENTS T O GO HIRE A N ATTORNEY AND THEY ARE REFUSING AND A CHILD DOESN'T WISH TO WAIVE, IT IS ONLY PARENTS WHO DOESN'T WISH T O PAY.

I AM OUT OF TIME. I DIDN'T GET TO ADDRESS THE GENERAL MASTER CONCERN BUT IT IS IN THE COMMENTS. THANK YOU VERY MUCH.

MS. PARKER?

THE REMAINING RULES THAT ARE BEFORE THE COMMITTEE, THERE ARE FIVE OF THEM LEFT. ONE OF THE RULES IS A NEW RULE THAT IS GENERAL MASTERS AND JUDGE TEPER , I CAN GIVE YOU SOME OF MY COMMENT IF YOU'D LIKE TO COMMENT.

GOING TO CALL THEM IMAGINE STRAITS NOW.

RIGHT. GENERAL IMAGINE IMAGINE JI STRAIGHTS. THIS IS A FASHIONED OFF THE FAMILY LAWS RULES OF PROCEDURE WITH VARYING CHANGES SO IT CAN APPLY TO THE DEPENDENCY PROCEDURES. THE REMAINING CHANGES AMENDMENTS ARE MERELY .

EXCUSE ME JUST A MOMENT. WERE YOU REFERRING TO RULE 8.257? THAT'S THE GENERAL MAJISTRATE. THERE WERE FIVE DECENTERSES , WHAT WERE THE POSITIONS OF THOSE?

THERE WAS N O DOCUMENTATIONWHAT THE DISSENT WOULD HAVE BEEN. MY MEMORY IT WAS NOT HIGHLY CONTROVERSIAL ISSUE. MOST I CAN GUESS IS PERHAPS THERE WERE INDIVIDUALS ON THE COMMITTEE THAT DIDN'T BELIEVE IN THE CONCEPT OF GENERAL MASTERS BUT I DON'T BELIEVE IT WAS HIGHLY CONTENTIOUS AND THAT IT WAS AN ISSUE. SO , AGAIN IT WAS 18 TO 5 AND I DON'T KNOW WHY IT WOULD HAVE BEEN CONTROVERSIAL.

THERE HAS BEEN N O COMMENTS FILED?

THE ONLY COMMENTS I BELIEVE WERE BY THE CHILDREN AND FAMILY STEERING COMMITTEE , WHICH JUDGE TEPER CAN ADDRESS. AGAIN, THE REMAINING FOUR RULES THEN ARE SIMPLY CHANGES THAT WERE FOLLOWING STATUTE CHANGES. AND WHY THERE WERE ANY DISSENDING VOTES ON THOSE ISSUES ALSO , I DON'T REMEMBER THEM TO BE CONTENTIOUS.

ONE ISSUES REQUIRED MEDIATION WHERE YOU HAVE DOMESTIC VIOLENCE AND THE DEPENDENCY ISSUE? ARE YOU ADDRESSING THAT RULE?

NO. I'M NOT. NOT FAMILIAR WITH THAT ONE.

8.290?

NO , I DON'T HAVE THAT IN FRONT OF ME. I APOLOGIZE.

OKAY. THANK YOU VERY MUCH. THERE IS A COUPLE OF MINUTES LEFT IF THERE WAS SOMETHING.

AND ALSO TO THE , ON TISSUE OF DEPENDENCY MEDIATION .

I CAN. I HADN'T BEEN PREPARED TO DO THAT. ON TISSUE OF GENERAL MASTERS , OUR FAMILY AND CHILDREN IN THE COURTS HAD NOT TAKEN A FORMAL POSITION ON THIS. WE DID NOT KNOW WHAT THE LEGISLATE SUE SURE WAS GOING TO DO AND OF COURSE THEY RECENTLY FUNDED A VERY LARGE NUMBER OF GENERAL MASTERS NOW CALLED IMAGINE I STRAITS. AND THE CONCERN IMAGINE I STRAITS. DO WE INTEND TO HAVE THESE GENERAL MASTERS DO EVERYTHING A JUDGE DO? DO WE INTEND THEM TO B E A SUBSTITUTE OR SUPPLEMENT. WE HAVE GROWN FROM 37% TO 45% OF THE DOCKET. IT IS AN ESSENTIAL ELEMENT OF THE UNIFIED FAMILY COURT. WE SUGGEST THAT IT NEEDS FURS STUDY. THAT THE CONCERN IS DO WE INTEND IN ITS PRESENT FORM , WHICH IS SIMPLY AN ADOPTION OF WHAT EXISTED UNDER RULE 12.490. AND THAT IS THAT IT IS UNDER THE DIRECTION OF THE COURT. WELL, DOES THAT MEAN THE COURT SHOULD DIRECT THAT THEY DO A THREE DAY TERMINATION OF PARENTAL RIGHTS HEARING?

WASN'T , THIS CAME OUT OF THE CONCERN THAT THAT GENERAL MASTERS , MAG STRAITS DO MORE THAN THE STATUTE CONTEMPLATED AND THERE MAYBE ABUSES WHERE THE PARTIES DIDN'T AGREE. I THOUGHT THE PURPOSE O F THIS RULE WAS THE VERY LEAST TO MAKE SURE THAT THERE IS A KNOWING THAT THERE I S AN AGREEMENT AT LEAST ON THE PART OF THE PARTIES BEFORE SOMETHING IS REFERED TO A GENERAL MASTER.

WHETHER THERE IS A CONSENTIN. THE PAST TISSUE HAD BEEN REFERED ON THE QUESTION OF CONSENT AND THERE HAD BEEN SOME CASE LAW ON TISSUE OF CONSENT. THERE STILL REMAINS OPEN THE QUESTION OF JUST HOW FAR D O WE WANT THEM TO GO? ARE THEY INTENDED TO ASSIST , ARE THEY INTENDED TO SUBSTITUTE?

BUT IF THERE I S CONSENT , HOW DOES THAT AFFECT THE ISSUE?

CONSENT , YOU HAVE MINORS THAT ARE PARTIES , HOW DOES ONE GET A CONSENT FROM A MINOR TO GO TO A GENERAL MADGESTRAIT?

WHAT DOES THE RULE CONTEMPLATE?

THE RULE CONTEMPLATES YOU NOTIFY THEM AND YOU HAVE ALL THESE CAPITAL LETTERS , GIVE THEM TEN DAYS TO OBJECT. THE QUESTION I S IS IT KNOWING? OUR COMMITTEE HAD CONCERNS AS TO HOW ONE WOULD AFFECT THAT.

THIS FUNDING THAT JUST CAME OUT OF THE LEGISLATURE , WHAT DO YOU UNDERSTAND IS GOING TO HAPPEN IN PASCO COUNTY?

I DO NOT KNOW HOW MANY WE WILL KEEP. WE HAVE ONE FULL TIME THAT WORKS WITH THE UNIFIED FAMILY COURT. AND I KNOW WE HAVE SEVERAL IN PINELLAS COUNTY , WHICH IS PART OF THE CIRCUIT . I UNDERSTAND WE WILL KEEP OUR MASTER AS AS MAGISTRATES.

THE ISSUE , CERTAINLY A CONCERN BUT IN A GOOD WAY BECAUSE THERE ARE THE FUNDING POSITIONS , IS SOMETHING THAT NEEDS FURTHER STUDY. BUT SHOULD THAT B E A REASON , I MEAN THAT IS TO MAKE SURE THAT MASTERS ARE BEING USED OR MAGISTRATES APPROPRIATELY FROM JURISDICTIONS T O JURISDICTIONS WITH GUIDELINES. REALLY CAN THIS RULE AT THIS POINT REALLY DEAL WITH DO WE HAVE ENOUGH INFORMATION?

NO , AS WE INDICATED WE THINK IT NEEDS FURTHER STUDY. I DIDN'T GET TO ANSWER THE DEPENDENCY QUESTION ON MEDIATION.AND THE TIME IS UP.

OKAY. THANK YOU VERY MUCH. AGAIN , WE ESPECIALLY APPRECIATE THE FACT THAT YOU ALL ARE DOING THIS , ALL AS VOLUNTEERS. AND IT IS CRITICALLY IMPORTANT WORK FOR THE STATE OF FLORIDAAND ESPECIALLY OUR CHILDREN. THANK YOU ALL VERY MUCH.

THE COURT'S GOING TO TAKE ITS MORNING RECESS OF 1 5 MINUTES AT THIS TIME BEFORE HEARING THE LAST CASE ON THE DOCKET. WE WILL STAND IN RECESS UNTIL A QUARTER OF THE HOUR.