

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2012-054 PA/PI-CIR

**RE: AFTER HOURS PROCEDURES FOR DATING, DOMESTIC, REPEAT, AND
SEXUAL VIOLENCE AND STALKING INJUNCTIONS**

In Administrative Order 2007-033, the Chief Judge modified the after hours procedure for obtaining a temporary injunction for protection in dating, domestic, repeat, and sexual violence cases. Section 26.20, Florida Statutes, provides that at least one judge must be available after hours including weekdays after hours, Saturdays, Sundays, and holidays, to review ex parte motions for temporary injunctions in domestic violence cases. Circumstances may also require the issuance of an ex parte temporary injunction in dating, sexual or repeat violence cases after hours.

The Legislature passed HB 1099, creating a cause of action for a civil injunction for protection against stalking. See Ch. 2012-153, Laws of Fla. The procedure for a person seeking a temporary injunction for protection needs to be modified to include stalking.

In both Pasco and Pinellas County, the responsibilities of the Clerks of the Circuit Court and the Sheriffs should be specified to ensure that injunctions for protection can be issued after hours. Further, it is important to provide information to the public on how to access the duty judge for these purposes.

In accordance with Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes,

IT IS ORDERED:

1. The Pasco and Pinellas Clerks of the Circuit Court and the Pasco and Pinellas Sheriffs must follow these procedures to ensure that injunctions for protection can be issued after hours. After hours means after 4:00 p.m. or before 8:00 a.m. on a regular work day, or at any time on a weekend or holiday.

2. When a person has reasonable cause to believe that he or she is the victim of dating, domestic, repeat, or sexual violence, or stalking in accordance with the provisions of section 741.30, section 784.046, or section 784.0485, Florida Statutes, and desires to seek an injunction for protection after hours, a person may contact the following:

EAST PASCO COUNTY Dade City	WEST PASCO COUNTY Hudson	NORTH PINELLAS COUNTY Clearwater	SOUTH PINELLAS COUNTY St. Petersburg
Sunrise of Pasco County, Inc. 352-521-3120	Salvation Army Domestic Violence 727-856-5797	THE HAVEN 727-442-4128	C.A.S.A. (Community Action Stops Abuse) 727-895-4912

If a program is unable to locate safe shelter for the litigant and the litigant's children, or if the litigant chooses not to go to a shelter, the staff at the facility will call a deputy clerk who will meet the litigant at the Sheriff's Office. In Pasco County, the litigant will meet the deputy clerk at a location selected by the deputy clerk based upon the location of the parties which will be either: the Sheriff's Office, 8700 Citizen Dr., New Port Richey, the Pasco County Detention Center, located at 20101 Central Blvd. in Land O' Lakes, or the Sheriff's Office in Dade City (if the Dade City office has deputies on site). In Pinellas County the litigant will meet the deputy clerk at Sheriff's Administration, 10750 Ulmerton Road, Largo.

3. When law enforcement is contacted by an individual seeking an injunction for protection against dating, domestic, repeat, or sexual violence, or stalking after hours, a law enforcement officer, in accordance with section 741.29, Florida Statutes, shall refer the litigant to the closest shelter listed in paragraph two. If the litigant chooses not to go to a shelter, the individual may speak with shelter personnel who will call a deputy clerk. The deputy clerk will meet the litigant at the Sheriff's Office. In Pasco County, the litigant will meet the deputy clerk at a location selected by the deputy clerk based upon the location of the parties which will be the Sheriff's Office, 8700 Citizen Dr., New Port Richey, the Pasco County Detention Center, located at 20101 Central Blvd. in Land O' Lakes, or the Sheriff's Office in Dade City (if the Dade City office has deputies on site). In Pinellas County the litigant will meet the deputy clerk at Sheriff's Administration, 10750 Ulmerton Road, Largo.

4. The Sheriffs of Pasco and Pinellas County shall provide a location within the facilities specified in this order for a deputy clerk to meet with a litigant in order to complete a petition for an injunction for protection. The Sheriffs shall also make a facsimile machine available for the deputy clerk to send and receive a facsimile.

5. The Clerks of the Circuit Court in Pasco and Pinellas County shall make the names and contact information for deputy clerks available to shelters in their respective counties. When contacted by a shelter, a deputy clerk shall go to the Sheriff's Office and assist a litigant with a petition for an injunction for protection. The deputy clerk shall contact the duty judge and follow the instructions of the duty judge to transmit the petition to the judge.

6. In addition to the procedures specified in this Administrative Order, a petition for an injunction for protection may be submitted to the judge at advisories on weekends or holidays.

7. The duty judge shall review a petition either by having the deputy clerk transmit the petition by facsimile or by other electronic means or by traveling to the Sheriff's office and reviewing the petition in person. The duty judge shall report any problems with the after hour procedures to the Chief Judge.

Administrative Orders 2007-033 PA/PI-CIR and 2008-083 PI-CIR are hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this _____ day of November 2012.

ORIGINAL SIGNED ON NOVEMBER 14, 2012
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Paula O'Neil, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Chris Nocco, Sheriff, Pasco County
The Honorable Bob Gualtieri, Sheriff, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Lillian Simon, Director of Administrative Services for Pasco County
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk's Office
Sunrise of Pasco County, Inc.
Salvation Army Domestic Violence Program
The Haven, Domestic Violence Center
Community Action Stops Abuse, (CASA)
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties