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IN THE SUPREME COURT OF FLORIDA

CASE NO. 86,790

THE HONORABLE LEONARD RIVKIND, et. al.,

Petitioners,

vs.

VICTOR PATTERSON,

Respondent.

FILED

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JAN 8 1994

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

ON PETITION FOR DISCRETIONARY REVIEW

BRIEF OF RESPONDENT ON THE MERITS

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IN THE SUPREME COURT OF FLORIDA

CASE NO. 86,790

THE HONORABLE LEONARD RIVKIND, et. al.,

Petitioners,

vs.

VICTOR PATERSON,

Respondent.

ON PETITION FOR DISCRETIONARY REVIEW
FROM THE DISTRICT COURT OF APPEAL OF
FLORIDA, THIRD DISTRICT

RESPONDENT'S BRIEF ON THE MERITS

INTRODUCTION

Respondent, Victor Patterson, was the petitioner in the district court of appeal. Petitioners, the Honorable Leonard Rivkind, et. al., were the respondents in the district court of appeal. In this brief, the symbol "R" will be used to designate the record on appeal, and the symbol "A" will denote the appendix to this brief.

STATEMENT OF THE CASE AND FACTS

The domestic violence division was implemented through Administrative Order 92-49, two years prior to the application for a local rule. (A. 1) The organizational framework contemplated by the order creating the "domestic violence department" specified that the Family Division of the circuit court would issue temporary and permanent injunctions arising from either domestic violence, or repeat violence. (A. 1) The county courts would preside over misdemeanor offenses involving incidents of domestic violence. (A. 1-2) This scheme was further delineated by Administrative Order 92-48, stating that all domestic violence injunctions would issue from the Family Division and that criminal violations of such injunctions "shall be heard exclusively at the Metro Justice Building by a judge assigned to the Domestic Violence Department."¹ (A. 3-4)

Moreover, the order fully shifted the function of issuing domestic violence injunctions to the Domestic Violence Department:

The judges assigned to the Domestic Violence Department of the Family Division, otherwise referred to as Injunction judges, shall hear all matters involving petitions for injunctions for protection against domestic

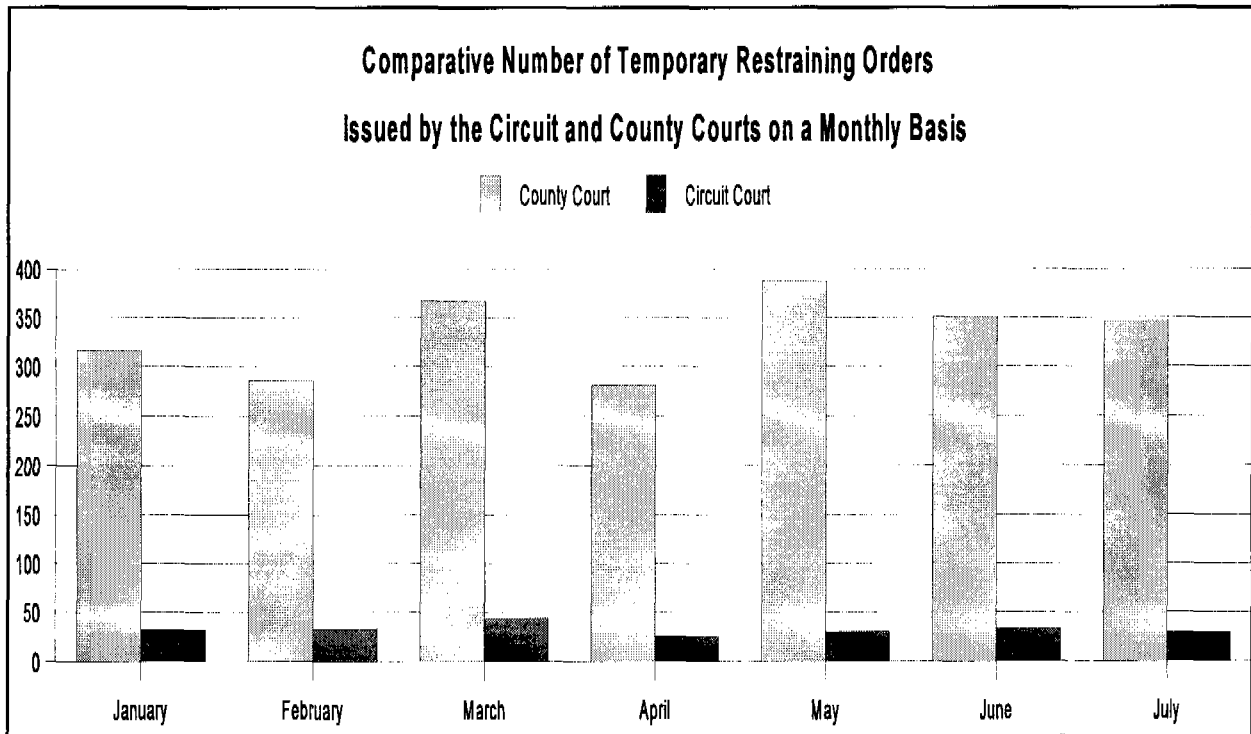
¹The term "Family Division" refers to that division of the circuit court which handles civil family matters such as dissolution cases, paternity and child support actions. The Domestic Violence Division handles all of the injunction applications in cases where there is no pending matter in the circuit Family Division. As a result, poor and unmarried people have their cases heard by the least experienced county court judges, rather than circuit court judges — despite the fact that domestic violence cases usually involve family matters.

and repeat violence and all criminal violations of those injunctions *without regard to the existence of a related Family Division case between the parties, i.e. those cases involving a pending dissolution, action for paternity or separate maintenance, child support enforcement, etc.*

(A. 3) (Emphasis added).

In 1994, this Court approved a local rule authorizing the establishment of a domestic violence division in the Eleventh Judicial Circuit. See *Rivkind v. Garcia*, 650 So. 2d 38 (Fla. 1995); *Local Rule to Establish Domestic Violence Court in the Seventeenth Judicial Circuit*, No. 84,292 (Fla. Oct. 11, 1994) (unpublished order); *In re Report of the Commission on Family Courts*, 646 So. 2d 178 (Fla.1994).

The practice of handling all of the injunctions in the domestic violence division was eventually modified so that in cases in which a divorce action was pending in family court, the petition for an injunction would be transferred to the judge handling the related case. Nevertheless, such transfers only represent a small fraction of cases compared to the total number of injunctions that are ultimately issued by county court judges. For example, the statistical report prepared by the Eleventh Judicial Circuit shows that county court judges issued approximately 90% of all temporary restraining orders in domestic violence cases between January, 1995 and July, 1995. (A. 21-27) The chart below compares the number of temporary restraining orders issued by the county and circuit courts during this time period.



Since the court's inception, the Domestic Violence Division has been *exclusively* staffed by county court judges. These judges are successively reappointed to sit as acting circuit court judges by administrative order. The orders are issued on a monthly basis. County Court Judge Linda Dakis, for instance, has been an acting circuit court judge in Domestic Violence, routinely reappointed every month for two-and-a-half years, since November 1, 1992. The Honorable Cindy Lederman was continuously reappointed for a two year period, as was the Honorable Shelley J. Kravitz.

Despite the fact that Administrative Order 92-48 ostensibly defines the division as a subdivision of family court, Domestic Violence is essentially an autonomous subject-matter division without any administrative ties to the Family

Division. Domestic Violence, which is located in a separate building from the Family Division, has been administratively supervised by one of its own county court judges who reports directly to the Chief Judge, since there is no circuit court apparatus to oversee its operation.²

The Third District Court of Appeal granted a writ of prohibition, holding that the perpetual and exclusive reassignment of county court judges to Domestic Violence Court constitutes an unlawful usurpation of the circuit court's jurisdiction. *Patterson v. Rivkind, et al.*, 20 Fla. L. Week. D2370 (Fla. 3d DCA 1995). The court found that the perpetual reassignment of county court judges to the division was not for the purpose of assisting the circuit court, since the division effectively deprived the circuit court "of jurisdiction of a particular type of case on a permanent basis." *Id.*

The Third District correctly noted that some injunction applications are transferred to the circuit court Family Division. However, the fact that a small portion of cases are sent to the circuit court in instances in which a divorce action is pending, does not diminish the fact that the county court judges in Domestic

²See Administrative Order 92-229 (11th Judicial Circuit, Oct. 20, 1992) (appointing Judge Cindy Lederman Administrative Judge of the Domestic Violence Department of the Family Division of the Circuit Court and the Criminal Division of the County Court) (A. 6); Administrative Order 94-196 (11th Judicial Circuit, Aug. 3, 1992) (appointing Judge Linda Dakis Administrative Judge of the Domestic Violence Departments of the Family Division of the Circuit Court and the Criminal Division of the County Court) (A. 7).

Violence exercise exclusive jurisdiction over all injunctions in nondivorce cases.

Upon granting the writ of prohibition, the Third District stayed its mandate pending review before this Court and certified the following question:

Is the exclusive, and perpetual monthly assignment, continuing over several years, of county court judges to hear all petitions for permanent and temporary injunctions in the domestic violence department of the Family Division of the eleventh judicial circuit court unlawful?

Id.

SUMMARY OF THE ARGUMENT

The Third District Court of Appeal properly granted the writ of prohibition and held that the perpetual reassignment of county court judges in the Domestic Violence Division, to sit as acting circuit court judges, impermissibly deprives the circuit court of jurisdiction of a particular type of case.

The domestic violence statute specifies that the authority to issue injunctions against domestic violence lies with the circuit court.

Since its inception, the Domestic Violence Division in Dade County has been exclusively staffed by county court judges who are successively reassigned as acting circuit judges on a monthly basis. The county judges in the division issue injunctions against domestic violence in all cases where there are no pending matters in the circuit Family Division. The vast majority of all temporary and permanent injunctions are issued by the Domestic Violence Division.

The Domestic Violence Division is not acting in a backup or auxiliary capacity with respect to the circuit court, rather the division has effectively usurped a circuit court function (viz., the issuance of injunctions) on a permanent basis.

Therefore, the continual rotation of county court judges through the division to perform circuit court functions violates the jurisdictional separation between the circuit and county courts, as contemplated by the Florida Constitution.

ARGUMENT

THE EXCLUSIVE, AND PERPETUAL MONTHLY ASSIGNMENT OF COUNTY COURT JUDGES TO HEAR ALMOST ALL OF THE PETITIONS FOR PERMANENT AND TEMPORARY INJUNCTIONS IN THE DOMESTIC VIOLENCE DIVISION OF THE ELEVENTH JUDICIAL CIRCUIT USURPS THE JURISDICTION OF THE CIRCUIT COURT.

Florida's constitution grants the legislature the power to determine the jurisdiction of the circuit and county courts. Art. V., §§ 5(b), 6(b), FLA. CONST. The statutory scheme against domestic violence contemplates a division of judicial labor between the circuit and county courts. Pursuant to that scheme, the authority to issue injunctions for protection against domestic violence is clearly delegated to the circuit court. *See* § 741.30(1)(a) Fla. Stat. (Supp. 1995). The criminalization of injunction violations, which categorizes them as first degree misdemeanors, gives the county court enforcement power over the injunctions. *See* § 741.31(4) Fla. Stat. (Supp. 1995).

Article V, section 2 of the Florida Constitution allows the chief justice to assign judges to temporary duty in any court for which the judge is qualified. Florida Rule of Judicial Administration 2.050(b)(4) delegates this authority to the chief judge in each circuit.³ This delegation of power is subject to certain temporal and functional limitations.

³The Third District has stated, with respect to criminal contempt arising from a violation of a protective order, that "[a]n administrative order cannot alter the jurisdiction of the circuit court." *Wells v. State*, 645 So. 2d 145, 146 (Fla. 3d DCA 1995).

Although an assignment must be temporary in nature, the legality of an assignment is not solely decided on the basis of a temporal analysis. The temporal factor is evaluated along with a functional factor. That is to say, courts will also look to whether a county court judge has been exclusively entrusted with a circuit court function, or whether it merely shares that function with the circuit court. A county court may share a function with the circuit court when it is acting in an auxiliary capacity and is subordinate to the circuit court, such as assisting the circuit court with a burdensome caseload. The county court may not, however, usurp a circuit court function.

The foregoing principles, governing temporary cross-jurisdictional assignments, have been clarified by a number of decisions over the last ten years.

In *Payret v. Adams*, 500 So. 2d 136 (Fla. 1986), a county judge had been assigned as an acting circuit court judge to hear all circuit court matters in a special jury district. The assignment was successive and repetitive, having been renewed annually over a period of five years. This Court held that this created a de facto permanent appointment of a county judge to circuit judge duties, in violation of Article V, sections 10(b) and 11(b) of the Florida Constitution.

In *Crusoe v. Rowls*, 472 So. 2d 1163 (Fla. 1986), a county court judge had been successively reassigned for two-and-a-half years to hear enforcement petitions of child support orders entered by the circuit court. This Court acknowledged the district court's apprehension regarding the propriety of the

orders, which it took to be a permanent assignment "of a particular type of circuit court work."⁴ *Id.* at 1165. This Court concluded that the appellate court had misinterpreted the orders, finding that "[t]he county judges were not assigned to hear *all* support orders, but only those falling in a specified class." *Id.* (Original emphasis) The assignments were upheld specifically because the county court judge functioned as an ancillary assistant to the circuit court.

The administrative orders under review were simply an expedient way of accomplishing [compliance with support orders] and required the county judges to *supplement and aid the circuit judges rather than to replace them.*

Id. (Emphasis added). This Court reasoned that the word "temporary" is a relative term, such that the length of an assignment can be longer if the county judge spends part of his time assisting the circuit court with its work, "*but the assignment cannot usurp, supplant, or effectively deprive circuit court jurisdiction of a particular type of case on a permanent basis.*" *Id.* (Emphasis added).⁵

⁴This Court noted that "the chief judge felt he needed additional judicial manpower to promptly hear support cases." *Id.*

⁵The petitioner maintains that the perpetual staffing of the domestic violence division with county court judges is lawful because the judges also handle a misdemeanor caseload, in addition to issuing injunctions. BRIEF OF PETITIONER at 15-16. The petitioners' argument misinterprets *Crusoe*. This Court concluded, in *Crusoe*, that if a county court judge spends a portion of his time handling a circuit court case load, then the length of the assignment may be longer than if the judge solely performed circuit court work. However, the fact that a county judge handles a county court caseload, in addition to doing circuit court work, is irrelevant if the assignment effectively deprives the circuit court of jurisdiction over

Similarly, in *J.G. v. Holtzendorf*, 648 So. 2d 781 (Fla. 2d DCA 1994), a county court judge was successively reassigned for a three year period "to share with a circuit judge some circuit court duties involving juvenile matters and domestic relations cases." *Id.* (Emphasis added). The court held that the administrative orders did not violate *Payret v. Adams*, 500 So. 2d 136 (Fla. 1986), because the county court judge was sharing a burdensome circuit caseload with the circuit court. In *Judges of Polk County v. Ernst*, 615 So. 2d 276 (Fla. 2d DCA 1993), the Tenth Circuit had issued "roll-over" orders assigning county judges to serve in counties other than the ones in which they were elected. The appellate court upheld the assignments because the judges did not appear in the other counties on a regular or continuing basis. The cardinal feature common to these two cases is that in each instance the county judge was acting in a subordinate role to the circuit court. In neither case was the circuit court abdicating its jurisdiction to the lower court, but was simply seeking assistance in a designated area.

Thus, county court judges cannot be permanently reassigned to sit as acting circuit judges, nor can circuit court jurisdiction in a specified area be delegated to

a certain class of cases.

In the instant case, the county court judges in Domestic Violence issue all of the injunctions in nondivorce cases, thus permanently depriving the circuit court of jurisdiction in that class of cases.

the county court. Either of these circumstances violates the constitutional separation of circuit and county court jurisdiction. See *Payret* at 138-139; *Crusoe* at 1165.

The practice of assigning only county court judges (who are less experienced than circuit court judges) to the Domestic Violence Division, and granting them the responsibility of issuing injunctions against domestic violence, divests the circuit court of its jurisdiction and impermissibly delegates it to the county court.

The Domestic Violence Division is staffed exclusively by county court judges. At no time in its existence has a circuit judge been assigned to the division. The court's administrative judge has always been a county court judge who then supervises a department that performs circuit court functions on a daily basis.

The systematic rotation of a number of county court judges to perform circuit functions is no less unlawful than a permanent assignment of one judge to circuit duties. See *Williams v. State*, 596 So. 2d 791, 792 (Fla. 4th DCA 1992) (Farmer, J. concurring). In *Williams*, a "division" of the circuit court was "staffed exclusively by a succession of county judges, each serving 'temporary' assignments of 5 months and 29 days." 596 So. 2d at 792. The issue of the validity of these successive assignments was not preserved for review. In his concurring opinion, Judge Farmer observed that had it been preserved, it would have required reversal as an attempt to avoid *Payret*. Judge Farmer explained,

The only difference here is that, instead of the same county judge, the plan involves a rotation of county judges. In either event, however, the effect is the same. A "division" of the circuit court is permanently presided over by a county judge.

Id. The effect is an abdication of circuit court jurisdiction and a permanent transfer of an important circuit court function to the county court.

The petitioners erroneously assert that the Third District's decision in the instant case is predicated on the misconception that the Domestic Violence Court is subordinate to the circuit Family Division. The petitioners attribute this misunderstanding to the court's failure to appreciate the distinction between the terms "department" and "division," claiming that the Third District mistakenly took Domestic Violence to be a department of the circuit Family Division. Domestic Violence Court, the petitioners maintain, is a separate division which operates independently of family court. BRIEF OF PETITIONER at 12-13.

The petitioners' argument regarding the administrative independence of the Domestic Violence Division is irrelevant to the central issue. The fact that Domestic Violence is administratively independent from family court does not authorize the county court judges assigned to Domestic Violence to usurp the circuit court's jurisdiction over the issuance of injunctions. The Third District's opinion, moreover, did not turn on such a hyper-technical semantic distinction. Applying *Crusoe*, the appellate court found that the county court judges in the division issued all of the domestic violence injunctions in cases where there was

no pending action in family court, thus usurping a circuit court function on a permanent basis.

CONCLUSION

For the reasons and on the basis of the law set forth herein, the respondent respectfully requests that this Court affirm the Third District's decision.

Respectfully submitted,

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of Florida
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By: 

MANUEL ALVAREZ
Assistant Public Defender
FL Bar No. 0606197

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the BRIEF OF RESPONDENT ON THE MERITS has been forwarded to Michael J. Neimand, Assistant Attorney General, Office of the Attorney General, Department of Legal Affairs, 401 N.W. 2nd Avenue, Suite N921, Miami, Florida, this 5th day of January, 1996.

By:

A handwritten signature in black ink, appearing to read 'MANUEL ALVAREZ', written over a horizontal line.

MANUEL ALVAREZ
Assistant Public Defender

APPENDIX

THE ELEVENTH JUDICIAL CIRCUIT
DADE COUNTY, FLORIDA

CASE NO. 92-1
(Court Administration)

IN RE: CREATION OF DOMESTIC)
VIOLENCE DEPARTMENTS OF THE)
CIRCUIT AND COUNTY COURTS.)
_____)

Administrative Order
No. 92- 49

WHEREAS, the courts, prosecutors, law enforcement agencies, and governmental agencies have endeavored to develop a comprehensive plan to ensure that victims of domestic and repeat violence are protected and that all parties have an understanding of their rights and obligations with respect to injunctions for protection against domestic and repeat violence;

WHEREAS, the Eleventh Judicial Circuit has undertaken the implementation of the Dade County Domestic Violence Plan, a comprehensive plan to reduce the rate of incidents of domestic violence in this community;

WHEREAS, it has been determined that the Dade County Domestic Violence Plan can best be implemented by the creation of separate DOMESTIC VIOLENCE DEPARTMENTS within the Circuit and County Courts which shall hear all matters, both civil and criminal, involving domestic and repeat violence.

THEREFORE, I, LEONARD RIVKIND, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, effective November 1, 1992, do hereby create the DOMESTIC VIOLENCE DEPARTMENTS of the Family Division of the Circuit Court and of the Criminal Division of the County Court.

The following matters shall be heard by the DOMESTIC VIOLENCE DEPARTMENT of the Family Division of the Circuit Court:

INJUNCTIONS

Petitions for Temporary and Permanent Injunctions for Protection arising under Chapter 741 (Domestic Violence), Florida Statutes and enforcement thereof as provided by law;

Petitions for Temporary and Permanent Injunctions for Protection arising under Chapter 784 (Repeat Violence),

Florida Statutes and enforcement thereof as provided by law.

The following matters shall be heard by the DOMESTIC VIOLENCE DEPARTMENT of the Criminal Division of the County Court:

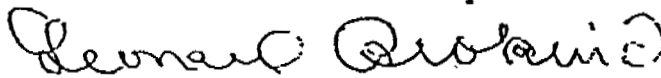
CRIMES

Misdemeanor crimes related to Domestic or Repeat Violence.

In order to create administrative coordination between the DOMESTIC VIOLENCE DEPARTMENTS, the Family Division of the Circuit Court, and the Criminal Division of the County Court, an Administrative Judge of the DOMESTIC VIOLENCE DEPARTMENTS shall be appointed. The Administrative Judge shall oversee the implementation of the newly created DOMESTIC VIOLENCE DEPARTMENTS and shall coordinate these departments with the Family Division of the Circuit Court and the Criminal Division of the County Court to ensure that multiple judicial determinations concerning a single family are complementary to, and do not conflict with one another.

This Administrative Order shall become effective on November 1, 1992.

DONE and ORDERED in Chambers, this 9 day of October, 1992.



LEONARD RIVKIND, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT

THE ELEVENTH JUDICIAL CIRCUIT
DADE COUNTY, FLORIDA

CASE NO. 92-1
(Court Administration)

IN RE: ESTABLISHMENT OF)
PROCEDURES FOR ASSIGNMENT OF)
CASES WITHIN THE DOMESTIC)
VIOLENCE DEPARTMENTS)
_____)

Administrative Order
No. 92- 48

WHEREAS, pursuant to Administrative Order 92 -49, separate DOMESTIC VIOLENCE DEPARTMENTS were created within the Circuit and County courts to implement the Dade County Domestic Violence Plan.

NOW, THEREFORE, I, LEONARD RIVKIND, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, effective November 1, 1992, do hereby establish procedures for the assignment of cases within the DOMESTIC VIOLENCE DEPARTMENTS of the Family Division of the Circuit Court and of the Criminal Division of the County Court.

DOMESTIC VIOLENCE DEPARTMENT OF THE FAMILY DIVISION

1. The judges assigned to the DOMESTIC VIOLENCE DEPARTMENT of the Family Division, otherwise referred to as Injunction judges, shall hear all matters involving petitions for injunctions for protection against domestic and repeat violence and all criminal violations of those injunctions without regard to the existence of a related Family Division case between the parties, i.e. those cases involving a pending dissolution, action for paternity or separate maintenance, child support enforcement, etc.

a. PENDING FAMILY DIVISION CASES: The Injunction judge will enter the temporary injunction, if appropriate, and the case will be transferred to the Family Division section hearing the related family matter and consolidated for any subsequent civil action. However, criminal violations of the injunction shall be heard exclusively at the Metro Justice Building by a judge assigned to the DOMESTIC VIOLENCE DEPARTMENT.

b. FAMILY DIVISION CASES FILED SUBSEQUENT TO ENTRY OF TEMPORARY BUT PRIOR TO ENTRY OF PERMANENT INJUNCTION:

The Injunction judge shall extend the temporary injunction at the permanent injunction hearing, if appropriate, and the case will then be transferred and consolidated as indicated in paragraph "a" above.

c. PETITION FOR INJUNCTION FILED IN CLOSED FAMILY DIVISION CASE: The Injunction judge will enter the temporary and/or permanent injunction, if appropriate. The Injunction judge may also alter the procedural manner and mode of prior visitation orders where necessary to protect the petitioner and/or petitioner's minor children. Otherwise all post decretal matters must be heard by the Family Division judge. When post decretal action is requested by either party, the injunction case will be transferred and consolidated as indicated in paragraph "a" above.

d. CRIMINAL CONTEMPT: All charges of criminal contempt of injunctions for protection against domestic or repeat violence will be heard by the designated DOMESTIC VIOLENCE DEPARTMENT judge at the Metro Justice Building.

2. All cases involving petitions for injunctions against domestic and repeat violence matters shall be assigned to Section FC-45. These cases must be filed exclusively at the following designated facilities: Metropolitan Justice Building and the District Courts at the North Dade Justice Center, the South Dade Government Center, and the Caleb Center.

3. All criminal violations of injunctions entered in the above named District Courts shall be transferred to the DOMESTIC VIOLENCE DEPARTMENT of the Criminal Division of the County Court and shall be heard at the Metro Justice Building.

DOMESTIC VIOLENCE DEPARTMENT
OF THE CRIMINAL DIVISION OF THE COUNTY COURT

4. MISDEMEANOR CHARGES: All misdemeanor cases involving domestic and repeat violence and criminal violations of injunctions occurring on or after November 1, 1992, shall be filed in the newly created DOMESTIC VIOLENCE DEPARTMENT of the County Court of the Criminal Division. This Department shall consist of Sections 06 and 07 of the Criminal Division of the County Court. All misdemeanor charges not associated with an injunction shall be filed in Section 06. All misdemeanor charges, including criminal contempt, arising from the violation of an injunction shall be filed in Section 07.

5. The Domestic Violence Coordination Unit of the Administrative Office of the Courts shall assist the Clerk of the Court in the transfer and assignment of cases to and from the

DOMESTIC VIOLENCE DEPARTMENTS in addition to its duties as set forth in the Dade County Domestic Violence Plan. The Unit shall also post the address and telephone numbers of all locations available for processing of petitions for injunctions including the 24 Hour HOTLINE emergency procedures in each court facility. —

This Administrative Order shall become effective on November 1, 1992.

DONE and ORDERED in Chambers, this 9 day of October, 1992.

Leonard Rivkind

LEONARD RIVKIND, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT

THE ELEVENTH JUDICIAL CIRCUIT
DADE COUNTY, FLORIDA

CASE NO. 92-2
(Court Administration)

IN RE: APPOINTMENT OF)
ADMINISTRATIVE JUDGE OF THE)
DOMESTIC VIOLENCE DEPARTMENTS)
OF THE CIRCUIT AND COUNTY)
COURTS)

ADMINISTRATIVE ORDER
NO. 92-229

PURSUANT TO the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Florida Rules of Judicial Administration, effective November 1, 1992, the Honorable CINDY S. LEDERMAN is hereby appointed as Administrative Judge of the Domestic Violence Departments of the Family Division of the Circuit Court and of the Criminal Division of the County Court.

As Administrative Judge, Judge LEDERMAN shall oversee the implementation of the newly-created Domestic Violence Departments and shall coordinate these Departments with the Family Division of the Circuit Court and the Criminal Division of the County Court.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 20th day of October, 1992.



LEONARD RIVKIND, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

2/

THE ELEVENTH JUDICIAL CIRCUIT
DADE COUNTY, FLORIDA

CASE NO. 94-2
(Court Administration)

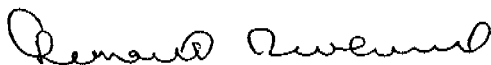
IN RE: APPOINTMENT OF)
ADMINISTRATIVE JUDGE OF THE)
DOMESTIC VIOLENCE DEPARTMENTS)
OF THE CIRCUIT AND COUNTY)
COURTS)

ADMINISTRATIVE ORDER
NO. 94-196

PURSUANT TO the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Florida Rules of Judicial Administration, effective immediately the Honorable LINDA DAKIS is hereby appointed as Administrative Judge of the Domestic Violence Departments of the Family Division of the Circuit Court and the Criminal Division of the County Court.

Administrative Order No. 92-229, entered in Case 92-2, is hereby rescinded and held for naught.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 3rd day of August, 1994.



LEONARD RIVKIND, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

THE ELEVENTH JUDICIAL CIRCUIT
DADE COUNTY, FLORIDA

Case No. 94-2
(Court Administration)

IN RE: APPOINTMENT OF)
ADMINISTRATIVE JUDGES OF)
THE CRIMINAL DIVISION OF)
THE COUNTY COURT OF DADE)
COUNTY, FLORIDA)

ADMINISTRATIVE ORDER
NO. 94-5

PURSUANT TO the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Florida Rules of Judicial Administration, effective January 17, 1994, the following Judges are hereby appointed as Administrative/Associate Administrative Judges of the Criminal Division of the County Court of Dade County, Florida:

Hon. CATHERINE M. POOLER is appointed as Administrative Judge of the CRIMINAL DIVISION.

HON. MAXINE COHEN LANDO is appointed as Associate Administrative Judge and will assist in all magistrate-related matters.

HON. ROBERTO M. PINEIRO and HON. MARC SCHUMACHER will continue to serve as Associate Administrative Judges. Judge PINEIRO will continue to assist with all traffic-related matters and Judge SCHUMACHER will assist with all crime-related matters.

DONE AND ORDERED in Chambers in Miami, Dade County, Florida, this 12th day of January, 1994.

Leonard Rivkind

LEONARD RIVKIND, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

THE ELEVENTH JUDICIAL CIRCUIT
DADE COUNTY, FLORIDA

Case No. 92-2
(Court Administration)

IN RE: APPOINTMENT OF)
ADMINISTRATIVE/ASSOCIATE)
ADMINISTRATIVE JUDGES OF)
THE COUNTY COURT OF DADE)
COUNTY, FLORIDA)
_____)

ADMINISTRATIVE ORDER
NO. 92-248

PURSUANT TO the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Florida Rules of Judicial Administration, effective November 30, 1992, the following Judges are hereby appointed as Administrative/Associate Administrative Judges of the County Court of Dade County, Florida:

Hon. JOEL H. BROWN - Administrative Judge of the CRIMINAL DIVISION;

Hon. ROBERTO M. PINEIRO - Associate Administrative Judge of the TRAFFIC SECTION of the CRIMINAL DIVISION;

Hon. CATHERINE M. POOLER - Associate Administrative Judge of the CRIMES SECTION of the CRIMINAL DIVISION;

Hon. MARC SCHUMACHER - Associate Administrative Judge of Traffic Magistrates;

Hon. JOAN A. LENARD - Administrative Judge of the CIVIL DIVISION, and

Hon. PHILIP COOK - Associate Administrative Judge of the CIVIL DIVISION.

Effective November 30, 1992, Administrative Orders 91-178, 91-259 and 91-261 (entered in Case 91-2) are hereby rescinded and held for naught.

DONE AND ORDERED in Chambers in Miami, Dade County, Florida, this 4th day of November, 1992.



LEONARD RIVKIND, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT OF
FLORIDA, IN AND FOR DADE COUNTY

MARK G. SMITH,

Petitioner,

Domestic Violence Department

CASE NO. 95-12128

vs.

VICTOR PATTERSON,

Respondent.

MOTION FOR DISQUALIFICATION FOR LACK OF JURISDICTION

The respondent, Victor Patterson, through undersigned counsel and pursuant to Rule 2.160(b) Florida Rules of Judicial Administration, and section 741.30(1)(a), Florida Statutes (Supp. 1994), moves to disqualify this court from presiding over the petitioner's application for an injunction for protection against domestic violence against the respondent on the grounds that this court lacks jurisdiction to issue an injunction against domestic violence. In support of this motion, the respondent states as follows:

FACTS

1. The petitioner, Mark G. Smith, has requested that this court issue an injunction for protection against domestic violence against Victor Patterson as the respondent.
2. Since its inception, the Domestic Violence Department has been exclusively staffed by county court judges who are reappointed on a monthly basis to sit as acting circuit court judges.
3. The judges assigned to the court hear petitions for temporary and permanent injunctions, and preside over both criminal contempt cases and misdemeanors involving allegations of domestic violence.
4. The Department is exclusively assigned the responsibility of issuing injunctions against domestic violence and does not share this task with the circuit Family Division.

5. The Honorable Lester Langer is a county court judge who has been assigned to the Domestic Violence Department to sit as an acting circuit court judge. This court, therefore, lacks jurisdiction to issue an injunction.

6. The respondent is entitled to have this matter heard before a circuit court judge.

ARGUMENT

The Domestic Violence Department is entrusted with the issuance of domestic violence injunctions, a function that lies within the exclusive jurisdiction of the circuit court. Nevertheless, since its inception, it has been implemented as a separate subject-matter division, functionally independent from the Family Division of the circuit court, and has been exclusively staffed with county court judges. This systematic practice of assigning only county court judges to the Department with the responsibility of issuing domestic violence injunctions unlawfully divests the circuit court of its jurisdiction and reassigns it to the county court in contravention of Section 741.30(1)(a), Florida Statutes (Supp. 1994).

Florida's constitution authorizes the legislature to prescribe the jurisdiction of the circuit and county courts. Art. V, §§ 5(b), 6(b), Fla. Const. Section 741.30(1)(a), Florida Statutes (Supp. 1994) authorizes circuit judges to issue injunctions for protection against domestic violence.

Article V, section 2 of the Florida Constitution allows the chief justice to assign judges to temporary duty in any court for which the judge is qualified. Florida Rule of Judicial Administration 2.050(b)(4) delegates this authority to the chief judge in each circuit.¹ Florida Rule of Judicial Administration 2.030(a)(4)(C), specifies that temporary

¹The Third District recently held, with respect to criminal contempt arising from a violation of a protective order, that "[a]n administrative order cannot alter the jurisdiction of

circuit judicial assignments must be predicated on necessity:

[W]hen necessary for the prompt dispatch of the business of the court, the chief judge of the circuit may assign any judge in the circuit to temporary service for which the judge is qualified, in accordance with rule 2.050.

The legality of an assignment is not solely decided on the basis of a temporal analysis to determine whether the assignment is indeed "temporary." The temporal factor is evaluated along with a functional factor. That is to say, courts will also look to whether a county court judge has been exclusively entrusted with a circuit court function, or whether it is merely sharing that function with the circuit court. A county court may share a function with the circuit court when it is acting in an auxiliary capacity and is subordinate to the circuit court, such as assisting the circuit court with a burdensome caseload. The county court may not, however, usurp a circuit court function.

In *Payret v. Adams*, 500 So. 2d 136 (Fla. 1986), a county judge had been assigned as an acting circuit court judge to hear all circuit court matters in a special jury district. The assignment was successive and repetitive, having been renewed annually over a period of five years. The supreme court held that this created a de facto permanent appointment of a county judge to circuit judge duties, in violation of Article V, sections 10(b) and 11(b) of the Florida Constitution.

In *Crusoe v. Rowls*, 472 So. 2d 1163 (Fla. 1986), a county court judge had been successively reassigned for two-and-a-half-years to hear enforcement petitions of child support orders entered by the circuit court. The Supreme Court acknowledged the district court's apprehension regarding the propriety of the orders, which it took to be a permanent assignment "of a particular type of circuit court work."² *Id.* at 1165. The Supreme Court

the circuit court." *Wells v. State*, 20 Fla.L.Weekly D957 (Fla. 3d DCA Jan. 25, 1995).

²The Court noted that "the chief judge felt he needed additional judicial manpower to promptly hear support cases." *Id.*

concluded that the appellate court had misinterpreted the orders, finding that “[t]he county judges were not assigned to hear *all* support orders, but only those falling in a specified class.” *Id.* (Original emphasis) The scheme was upheld specifically because the county court judge functioned as an ancillary assistant to the circuit court.

The administrative orders under review were simply an expedient way of accomplishing [compliance with support orders] and required the county judges to *supplement and aid the circuit judges rather than to replace them.*

Id. (Emphasis added). The Court reasoned that the word “temporary” is a relative term, such that the length of an assignment can be longer if the county judge spends part of his time assisting the circuit court with its work, “*but the assignment cannot usurp, supplant, or effectively deprive circuit court jurisdiction of a particular type of case on a permanent basis.*” *Id.*³ (Emphasis added).

Similarly, in *J.G. v. Holtzendorf*, 648 So. 2d 781 (Fla. 2d DCA 1994), a county court judge was successively assigned for a three year period “to *share* with a circuit judge some circuit court duties involving juvenile matters and domestic relations cases.” *Id.* (Emphasis added). The court held that the administrative orders did not violate *Payret* because the county court judge was sharing a burdensome circuit caseload with the circuit court. In *Judges of Polk County v. Ernst*, 615 So. 2d 276 (Fla. 2d DCA 1993), the Tenth Circuit had issued “roll-over” orders assigning county judges to serve in counties other than the ones in which they were elected. The appellate court upheld the assignments because the judges did not appear in the other counties on a regular or continuing basis. The cardinal feature common to these two cases is that in each instance the county judge was acting in a subordinate role to the circuit court. In neither case was the circuit court

³The support orders in *Crusoe* were issued by the circuit court, thus limiting the county court to assisting in their enforcement. Had the county court in *Crusoe* issued and enforced all of the orders, as do the Domestic Violence judges, then clearly the assignment would have been disapproved.

abdicating its jurisdiction to the lower court, but was simply seeking assistance in a designated area.

Thus, county court judges cannot be permanently reassigned to sit as acting circuit judges, nor can circuit court jurisdiction in a specified area be delegated to the county court. Either of these circumstances violates the constitutional separation of circuit and county court jurisdiction. *See Payret* at 138-139; *Crusoe* at 1165.

The Domestic Violence Department does not operate as a subdivision of Family Court, it is, rather, a separate and independent judicial entity. Despite the fact that Administrative Order 92-48 ostensibly defines the Department as a subdivision of Family Court, Domestic Violence has its own administrative judge who reports directly to the chief judge of the circuit. The Department is, essentially, an autonomous subject-matter division that supervises itself without any administrative ties to the family division. *See In Re Appointment of Administrative Judges of the County Court of Dade County, Florida* (Eleventh Judicial Circuit Administrative Order 94-5, Jan. 12, 1994); *In Re Appointment of Administrative/Associate Administrative Judges of the County Court of Dade County, Florida* (Eleventh Judicial Circuit Administrative Order 92-248, Nov. 4, 1992); *In Re Appointment of Administrative Judge of the Domestic Violence Departments of the Circuit and County Courts* (Eleventh Judicial Circuit Administrative Order 92-229, Oct. 20, 1992).

The implementation of Administrative Order 92-48 has permanently displaced a significant responsibility of Family Court Division by transferring it to the Domestic Violence Department. The Domestic Violence Department is not sharing the task of issuing injunctions with the circuit court Family Division, rather, that duty has been exclusively allocated it by administrative order.

The Domestic Violence Department is staffed exclusively by county court judges. At no time in its existence has a circuit judge been assigned to the Department. The

court's administrative judge has always been a county court judge who then supervises a department that performs circuit court functions on a daily basis.

This practice of assigning only county court judges to the Department with the responsibility of issuing domestic violence injunctions divests the circuit court of its jurisdiction and reassigns it to the county court. The systematic rotation of a number of county court judges to perform circuit functions is no less unlawful than a permanent assignment of one judge to circuit duties. *See Williams v. State*, 596 So. 2d 791, 792 (Fla. 4th DCA 1992) (Farmer, J. concurring).

In *Williams*, a "division" of the circuit court was "staffed exclusively by a succession of county judges, each serving 'temporary' assignments of 5 months and 29 days." 596 So. 2d at 792. The issue of the validity of these successive assignments was not preserved for review. In his concurring opinion, Judge Farmer observed that had the jurisdictional issue been preserved, it would have required reversal as an attempt to avoid *Payret*. Judge Farmer explained,

The only difference here is that, instead of the same county judge, the plan involves a rotation of county judges. In either event, however, the effect is the same. A "division" of the circuit court is permanently presided over by a county judge.

Id.

The effect is an abdication of circuit court jurisdiction and a permanent transfer of an important circuit court function to the county court.

WHEREFORE, this court should disqualify itself in the above-styled cause.

Respectfully submitted,

BENNETT H. BRUMMER

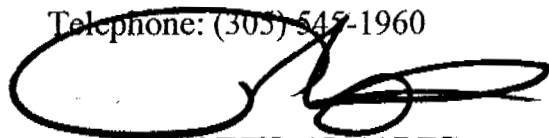
PUBLIC DEFENDER

Eleventh Judicial Circuit
of Florida

1320 N.W. 14th Street

Miami, Florida 33125

Telephone: (305) 547-1960



By: **MANUEL ALVAREZ**

Assistant Public Defender

FL Bar No. 0606197

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded to the Office of the State Attorney, E.R. Graham Building, 1350 N.W. 12th Avenue, Miami, Florida 33136-2111, this 21st day of June, 1995.



By: **MANUEL ALVAREZ**

AFFIDAVIT

THE STATE OF FLORIDA)
) SS
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared RICHARD DeMARIA, who after being duly sworn, deposes and says:

1. I am an Assistant Public Defender in the Law Offices of Bennett H. Brummer, Public Defender of the Eleventh Judicial Circuit of Florida in and for Dade County. I am assigned to the County Court Domestic Violence Division.

2. Since its inception, the Domestic Violence Department has been exclusively staffed by county court judges. The judges have been successively reappointed to sit as acting circuit court judges by administrative order. The orders are issued on a monthly basis. County Court Judge Linda Dakis has been an acting circuit court judge in Domestic Violence, routinely reappointed every month for two-and-a-half years, since November 1, 1992.¹

3. The judges hear petitions for temporary and permanent injunctions, and preside over both criminal contempt cases and misdemeanors involving allegations of domestic violence.

4. The division is administratively supervised by Judge Dakis, a county court judge.

5. The Honorable Lester Langer is a county court judge who has been assigned to sit as a circuit court judge by administrative order.

¹See e.g., the following series of administrative orders, each assigning Judge Linda Dakis to the Domestic Violence Department of Family Court and the Criminal Division of the County Court for a one month period: 92-244, 92-281, 92-284, 93-55, 93-33, 93-6, 93-14, 93-84, 93-112, 93-136, 93-183, 93-270, 93-206, 93-355, 93-336, 93-293, 94-332, 94-307, 94-232, 94-26, 94-53, 94-75, 94-260, 94-187, 94-102, 94-165, 94-221, 94-135, 94-102, 94-135, 94-53, 95-19.

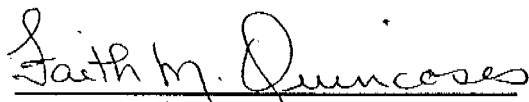
6. Judge Langer, who is currently assigned to the Domestic Violence Department, issues injunctions against domestic violence and presides over misdemeanor criminal cases arising from the violation of domestic violence injunctions on a regular basis.

FURTHER AFFIANT SAYETH NAUGHT.

The foregoing instrument was acknowledged before me this 21st day of June, 1995, by Richard DeMaria, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.



RICHARD DeMARIA



(Notary Signature)

OFFICIAL NOTARY SEAL
FAITH M QUINCOSES
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC467712
MY COMMISSION EXP. JUNE 29, 1999

(Print or name stamp notary)

NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

THE ELEVENTH JUDICIAL CIRCUIT
DADE COUNTY, FLORIDA

CASE NO. 95-2
(Court Administration)

IN RE: ASSIGNMENT OF COUNTY)
COURT JUDGES, DADE COUNTY, TO)
TEMPORARILY SERVE AS ACTING)
CIRCUIT COURT JUDGES OF THE)
ELEVENTH JUDICIAL CIRCUIT IN)
AND FOR DADE COUNTY, FLORIDA)

ADMINISTRATIVE ORDER
NO. 95-204

Pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, I, JOSEPH P. FARINA, do hereby designate all Judges of the County Court of Dade County, Florida, to temporarily serve as Acting Circuit Court Judges in the Divisions indicated below, effective October 1 through and inclusive of December 31, 1995.

Said Judges shall hear, try, conduct, and determine the following cases or proceedings, and thereafter dispose of all those matters considered by them during said period.

CRIMINAL DIVISION

1. Those cases scheduled for hearing before them as backup Judges.

2. Those driving while under the influence cases filed pursuant to Section 316.193 (2) (b), Fla. Stat. (1994).

FAMILY DIVISION

1. Final hearings of uncontested dissolutions of marriage, change of name cases and temporary changes of custody due to military service.

2. Paternity cases filed by the State Attorney's Office.

3. Those cases filed by the Child Support Enforcement Unit of the State Attorney's Office which are assigned to them by the Administrative or Associate Administrative Judge of the Family Division.

GENERAL JURISDICTION DIVISION

1. Those civil cases filed under Section 914.24, Fla. Stat. (1994), to restrain harassment of victims or witnesses.

2. Those cases assigned to them by the Administrative or Associate Administrative Judge of the General Jurisdiction Division.

DOMESTIC VIOLENCE DIVISION

1. The issuance and enforcement of injunctions for protection against domestic violence pursuant to Section 741.31, Fla. Stat., and the issuance of injunctions for protection against repeat violence pursuant to Section 784.046, Fla. Stat.

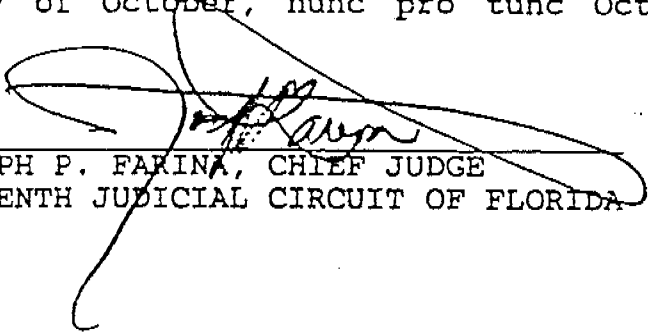
2. In addition to the above authority, those County Court Judges who are assigned to the Richard E. Gerstein Justice Building may make determinations regarding admission to bond when a person has been taken into custody for violation of a civil injunction for protection against domestic violence or repeat violence.

3. Conduct hearings, issue injunctions and enter orders as required. Said Judges may also hear and dispose of any related and pending misdemeanor charge which arises out of or stems from the facts and circumstances underlying the alleged violation of said injunction.

All Judges will also continue to serve as Judges of the County Court of Dade County and accept such other assignments as directed by the Administrative or Associate Administrative Judge of the Divisions to which they are regularly assigned.

Said Judges, under and by virtue of the authority hereof, are hereby vested with all and singular the powers conferred by the Constitution and the Laws of the State of Florida upon a Judge of the Circuit and County Courts to which they are hereby assigned.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida, this 3rd day of October, nunc pro tunc October 1, 1995.


JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

DOMESTIC / REPEAT VIOLENCE
STATISTICAL REPORT

CATION: REG JUSTICE BUILDING MONTH: JANUARY, 1995

TEMPORARY INJUNCTIONS:

# of individuals assisted (in-person)	593
# of temporary injunctions filed	342
# of temporary injunctions denied by Judge.....	25
# of temporary injunctions issued: 741.31 262	
784.046 55	
TOTAL:	317

TRANSFERS:

# of cases transferred to divorce Judge	32
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PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued	138
# of cases dismissed	71
# of extended temporary injunctions	150
# of failed to appear (awaiting final disposition).....	103
# of permanent injunctions extended.....	2
TOTAL # of permanent Injunction hearings scheduled.....	464
# of <u>civil</u> report, civil contempt and civil status hearings set.....	46

REG JUSTICE BUILDING ONLY:

# of bond hearings (Injunction violations)	45
# of criminal hearings: arraignments	411
reports	803
trials	665

PREPARED BY: DORIS M. PEREZ

Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction or Protection.

Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

DOMESTIC / REPEAT VIOLENCE
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING MONTH: FEBRUARY, 199 5

TEMPORARY INJUNCTIONS:

* # of individuals assisted (in-person)	<u>505</u>
# of temporary injunctions filed	<u>303</u>
# of temporary injunctions denied by Judge	<u>17</u>
# of temporary injunctions issued: 741.31 <u>240</u>	
784.046 <u>45</u>	
TOTAL:	<u>286</u>

TRANSFERS:

# of cases transferred to divorce Judge	<u>83</u>
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PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued	<u>135</u>
# of cases dismissed	<u>95</u>
**# of extended temporary injunctions	<u>152</u>
# of failed to appear (awaiting final disposition).....	<u>106</u>
# of permanent injunctions extended.....	<u>4</u>
TOTAL # of permanent Injunction hearings scheduled.....	<u>492</u>
# of <u>civil</u> report, civil contempt and civil status hearings set.....	<u>149</u>

METRO JUSTICE BUILDING ONLY:

# of bond hearings (Injunction violations)	<u>39</u>
# of contempt hearings: arraignments	<u>392</u>
reports	<u>574</u>
trials	<u>631</u>

PREPARED BY: DORIS M. PEREZ

Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

** Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

DOMESTIC / REPEAT VIOLENCE-
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING MONTH: MARCH 1995

TEMPORARY INJUNCTIONS:

* # of individuals assisted (in-person)	650
# of temporary injunctions filed	386
# of temporary injunctions denied by Judge.....	19
# of temporary injunctions issued: 741.31 305	
784.046 62	367
TOTAL:	367

TRANSFERS:

# of cases transferred to divorce Judge	44
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PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued	155
# of cases dismissed	91
**# of extended temporary injunctions	167
# of failed to appear (awaiting final disposition).....	86
# of permanent injunctions extended.....	6
TOTAL # of permanent Injunction hearings scheduled.....	505
# of <u>civil</u> report, civil contempt and civil status hearings set.....	152

METRO JUSTICE BUILDING ONLY:

# of jail report hearings.....	344
# of jail arraignment hearings.....	379
# of criminal hearings: arraignments	421
reports	874
trials	645

PREPARED BY: DORIS M. PEREZ

* Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

** Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

DOMESTIC / REPEAT VIOLENCE
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING MONTH: APRIL, 1995

TEMPORARY INJUNCTIONS:

* # of individuals assisted (in-person)	651
# of temporary injunctions filed	326
# of temporary injunctions denied by Judge	45
# of temporary injunctions issued: 741.31	217
784.046	64
TOTAL:	281

TRANSFERS:

# of cases transferred to divorce Judge	26
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PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued	130
# of cases dismissed	88
**# of extended temporary injunctions	166
# of failed to appear (awaiting final disposition)	83
# of permanent injunctions extended	8
TOTAL # of permanent Injunction hearings scheduled	475
# of <u>civil</u> report, civil contempt and civil status hearings set	108

METRO JUSTICE BUILDING ONLY:

# of jail report hearings	344
# of jail arraignment hearings	289
# of criminal hearings: arraignments	379
reports	539
trials	579

PREPARED BY: DORIS M. PEREZ

* Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

** Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

DOMESTIC / REPEAT VIOLENCE
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING MONTH: MAY, 199 5

TEMPORARY INJUNCTIONS:

* # of individuals assisted (in-person)	752
# of temporary injunctions filed	427
# of temporary injunctions denied by Judge	39
# of temporary injunctions issued: 741.31 283	
784.046 105	
TOTAL:	388

TRANSFERS:

# of cases transferred to divorce Judge	30
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PERMANENT INJUNCTIONS SCHEDULED:

# of permanent injunctions issued	145
# of cases dismissed	90
*# of extended temporary injunctions	117
# of failed to appear (awaiting final disposition).....	115
# of permanent injunctions extended.....	2
TOTAL # of permanent Injunction hearings scheduled.....	469
# of <u>civil</u> report, civil contempt and civil status hearings set.....	80

REG JUSTICE BUILDING ONLY:

# of jail report hearings:	397
# of jail arraignment hearings	377
# of criminal:hearings: arraignments	476
reports	551
trials	474

PREPARED BY: DORIS M. PEREZ

Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

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DOMESTIC / REPEAT VIOLENCE
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING

MONTH: JUNE, 95

TEMPORARY INJUNCTIONS:

	CURRENT	YTD
* # of individuals assisted (in person).....	<u>598</u>	<u>3,749</u>
# of temporary injunctions filed.....	<u>369</u>	<u>2,153</u>
# of temporary injunctions denied by judge.....	<u>18</u>	<u>163</u>
# of temporary injunctions issued: 741.31 <u>277</u>		<u>1,584</u>
784.046 <u>74</u>		<u>406</u>
Total:	<u>351</u>	<u>1,990</u>

TRANSFERS:

# of case transferred to divorce judge.....	<u>33</u>	<u>198</u>
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PERMANENT INJUNCTIONS:

# of permanent injunctions issued.....	<u>167</u>	<u>870</u>
# of cases dismissed.....	<u>104</u>	<u>539</u>
** # of extended temporary injunctions.....	<u>169</u>	<u>921</u>
# of permanent injunctions extended.....	<u>2</u>	<u>24</u>
# of failed to appear - awaiting disposition	<u>130</u>	<u>623</u>
Total # of permanent injunction hearings schedule.....	<u>572</u>	<u>2,977</u>
# of civil report, civil contempt and civil status hearings set	<u>72</u>	<u>607</u>

RICHARD E GERSTEIN JUSTICE BUILDING ONLY:

# of jail report hearings.....	<u>377</u>	<u>1,462</u>
# of jail arraignment hearings.....	<u>351</u>	<u>1,396</u>
# of criminal hearings: arraignments.....	<u>434</u>	<u>2,513</u>
reports.....	<u>608</u>	<u>3,949</u>
trials.....	<u>512</u>	<u>3,506</u>

PREPARED BY: DORIS M. PEREZ

* Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

** Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.

DOMESTIC / REPEAT VIOLENCE
STATISTICAL REPORT

LOCATION: REG JUSTICE BUILDING MONTH: JULY, 95

<u>TEMPORARY INJUNCTIONS:</u>	CURRENT	YTD
* # of individuals assisted (in person).....	565	4,314
# of temporary injunctions filed.....	364	2,517
# of temporary injunctions denied by judge.....	18	181
# of temporary injunctions issued: 741.31 <u>270</u>		1,854
784.046 <u>76</u>		482
Total:	346	2,336

TRANSFERS:

# of case transferred to divorce judge.....	29	227
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PERMANENT INJUNCTIONS:

# of permanent injunctions issued.....	147	1,017
# of cases dismissed.....	96	-635
** # of extended temporary injunctions.....	139	1,060
# of permanent injunctions extended.....	8	32
# of failed to appear - awaiting disposition	122	745
Total # of permanent injunction hearings schedule.....	512	3,489
# of civil report, civil contempt and civil status hearings set	150	757

RICHARD E GERSTEIN JUSTICE BUILDING ONLY:

# of jail report hearings.....	347	1,809
# of jail arraignment hearings.....	337	1,733
# of criminal hearings: arraignments.....	448	2,961
reports.....	870	4,819
trials.....	502	4,008

PREPARED BY: DORIS M. PEREZ

* Figure includes all walk-in individuals requesting information or assistance, regardless of eligibility to file for Injunction for Protection.

** Figure includes cases transferred to divorce judge at the time of the permanent Injunction hearing.