

047

IN THE SUPREME COURT OF FLORIDA **FILED**

SID J. WHITE

**IN RE: AMENDMENT TO THE FLORIDA
FAMILY LAW RULES OF PROCEDURE
(SELF HELP RULE)**

CASE NO. 93,319 **AUG 31 1981**

CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

**COMMENTS FROM RICHARD B. ORFINGER, CHIEF JUDGE OF THE
SEVENTH JUDICIAL CIRCUIT**

After reviewing the [Proposed] Florida Family Law Rule of Procedure Rule 12.750, which will provide parameters for personnel who work in family self help programs in the state courts system, I offer the following comments:

I agree and support the premise that the courts must remain accessible to all for the variety of reasons noted in the petition. The establishment of a rule to guide self-help program personnel is desirable.

My concern is that the rule as proposed allows self help personnel to provide information **only** about available Supreme Court approved forms per paragraph (c) 1 or to provide only Supreme Court forms and instructions per paragraph (c) 2.

Paragraph (c) 3 provides a procedure for additional forms to be used, provided they are not included or inconsistent with Supreme Court approved forms.

The rule as proposed may be too limiting and may end up hindering access to the justice system, our ultimate mission.

Generally when forms are adopted by the Supreme Court, the specific form or a form substantially in compliance can be used, unless the Supreme Court has mandated otherwise. I would urge that consideration be given to expanding the language in paragraphs (c) 1,2 and 3 to include not only Supreme Court approved forms, packets and instructions, but also any forms, packets or instructions substantially in compliance with and not inconsistent with Supreme Court Rules and that have been locally approved and adopted by administrative order of a chief judge in any judicial circuit in the State of Florida. This would allow locally adopted forms to be used which may be more responsive to local needs

Amending the proposed rule to give chief judges authority to approve forms which are consistent with existing Supreme Court forms would allow localities to develop forms, which meet local needs. Further it would encourage innovation and creativity, ensuring that judicial circuits would consider a variety of approaches to ensure meaningful access to the judicial system.

Subdivision (c) (1) as proposed, contains language that would not allow self-help personnel to recommend approved forms. The Family Law Rules Committee of the Florida Bar has recommended deletion of the words "or form." I concur with that recommendation.

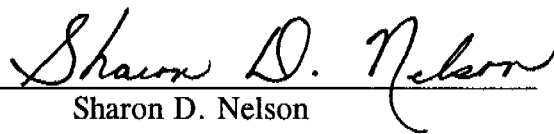
Respectfully submitted this 28 day of August, 1998.

A handwritten signature in black ink, consisting of several loops and a final horizontal stroke, positioned above a solid horizontal line.

Richard B. Orfinger
Chief Judge
Seventh Judicial Circuit

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Comments from Richard B. Orfinger, Chief Judge of the Seventh Judicial Circuit, In Re: Amendment to the Florida Family Law Rules of Procedure (Self Help Rule), Case No. 93,319, has been furnished via U. S. Mail to: B. Elaine New, Senior Attorney, Department of Legal Affairs and Education, Office of the State Courts Administrator, 500 South Duval Street, Tallahassee, FL 32399 this 28th day of August, 1998.



Sharon D. Nelson
Judicial Assistant