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FILED

SID J. WHITE

OCT 19 1998

IN THE SUPREME COURT OF FLORIDA

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

CASE NO. 93,319

CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

RESPONSE OF CENTRAL FLORIDA LEGAL SERVICES, INC., TO THE FAMILY COURT STEERING COMMITTEE'S RESPONSE TO COMMENTS ON THE PROPOSED FLORIDA FAMILY LAW RULE OF PROCEDURE REGARDING SELF HELP PROGRAMS, SPECIFICALLY WITH REGARD TO PARAGRAPH (C)(3).

Central Florida Legal Services (CFLS) applauds the Family Court Steering Committee ("the Committee") for responding to comments to its proposed rule governing self help centers by recommending slight modifications. CFLS (one of the six who commented on the proposed rule) is disappointed that the Committee was not persuaded by the arguments in three of the comments urging revision of paragraph (c)(3) to allow local Chief Judges to approve for use forms which are consistent with *existing* Supreme Court forms. We wish to illustrate the implications of the rule as written with some concrete examples.

CFLS, at the request of and under the authority and supervision of the Chief Judge of the Seventh Judicial Circuit, has prepared pro se forms for use in family law proceedings. These forms are distributed at courthouses by the Clerks of Court and at law libraries. The forms were derived from Supreme Court approved forms and were modified, only where identified as necessary, to accommodate local practices and needs or to provide the court with additional factual information. In most cases, the modifications were de minimus. For example:

- we have added check off spaces in the Certificate of Service to signify mailing of originals next to the addresses of our three local courthouses,
- we use Court approved financial affidavits, but have inserted one line for reporting income from "government benefits" to ensure those on WAGES (AFDC) understand the need to report this income,
- rather than utilizing a separate UCCJA form, we incorporated the affidavit into our Petition for Dissolution, making one less form that pro se litigants must complete, copy and file, and
- our Notice of Hearing forms say essentially the same things as the approved forms, but with different wording and formatting - the same for our jurats.

In consultations with the UPL department of The Florida Bar, CFLS has been advised that any alteration of a Supreme Court approved form negates its characteristic as a Supreme Court form. The practical and substantive effect is that if our courthouse becomes a self help center, the existing forms and accompanying instructions manuals cannot be utilized. In addition, under the rule as proposed and the interpretation afforded this rule, neither CFLS nor the Chief Judge can seek Supreme Court approval of these locally modified forms, since they

are duplicative of existing forms. The proposed rule would only allow for the submission and belated approval by the Supreme Court of non-existing forms. While there is some merit to the goal of standardizing forms statewide, it seems most unreasonable that:

- a. a local self help center would be precluded from using forms which so closely resemble Supreme Court forms, which are modified only to facilitate access to the court or to provide the local circuit court with information deemed necessary by the circuit judges,
- b. the Chief Judge of each judicial circuit would be precluded from approving slightly modified Supreme Court forms for local use, and
- c. the Clerk's offices would be precluded from utilizing or offering such forms to the public.

We again urge the Court to consider allowing local chief judges to have autonomy in approving forms which are substantially similar, or consistent with existing Supreme Court forms. We understand the inherent difficulty in delineating, in a rule, the *extent* to which a form might be locally modified and still meet the stated goal of "standardizing forms statewide." However, it seems reasonable to trust local judges to make the decision that a form is "consistent with" approved forms. We hope that the Court will be persuaded that the goal of standardization is not of such overwhelming importance that it overrides the ability to tailor documents on a local level to give greater assistance to those struggling to understand the legal process. Surely the goal of improving access to the courts should assume a greater priority. Making the forms easier for laypersons to use is, quite simply, one of the most effective ways to achieve this goal.

CFLS also has concerns about paragraph (c)(3) regarding the process to have local forms (ones which are not included in the Supreme Court approved forms) approved for local use. It is proposed that the Chief Justice and the heads of three organizations will review local requests for approval. This seems incredibly burdensome and time-consuming. Also, it is not at all clear from reading the rule what the process actually consists of. Presumably, the organizations will make recommendations to the Court, who will then issue a decision, but this is not clear.

It has been suggested that this review/approval process will make the Committee aware of the need for additional approved forms, which it can then develop. Unfortunately, at the point new forms become approved, any similar forms in use by local self help centers must be modified to become exactly identical or eliminated. This places an ongoing burden on the local forms producers. We would recommend that forms which are approved locally be sent to the Committee for review, so that the Committee is made aware of local needs, but that there be no approval process.

Combining these suggestions, we again offer the following change to the language of paragraph (c)(3):

upon written approval by the chief judge, provide additional forms ~~not included in or inconsistent~~ consistent with the Supreme Court approved forms, copies of which are to be sent to the Chief Justice, the chair of the Family Law Rules Committee of The Florida Bar, the chair of the Family Law Section of the Florida Bar, and the chair of the Family Court Steering Committee. ~~Such additional forms may be utilized until acted on by the Supreme Court;~~

Respectfully submitted this 16th day of October, 1998.

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BY: _____


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following this 16th day of October, 1998:

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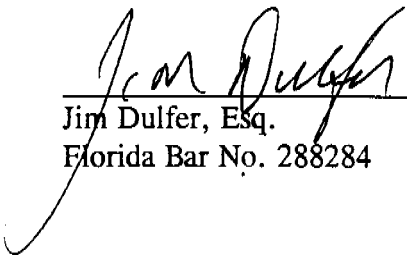
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