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Re: Proposed Changes to Rules of Juvenile Procedure, SC06-140

Honorable Justices
The Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399

Dear Chief Justice:

This comment letter is addressed to the proposed rule change limiting the role of the Magistrate in Child Dependency cases.

In the Dependency Court of the Second Judicial Circuit, we feel that we have a strong, due-process oriented parent's bar. Two things are very important to us: (1) the availability of hearing dates; (2) the opportunity to be heard by someone who focuses his or her attention on dependency issues – recent changes in statutes, rules, caselaw, and local family resources – so it is not necessary to duplicate the education process over and over. We have been fortunate to have had hearing officers who have been dedicated to becoming familiar with these issues. This does not prevent us, under the current rule, from initially requesting, or later seeking review by, a circuit judge if we should feel our clients are best served by so doing.

Some circuits have had circuit judges who have distinguished themselves by their interest in dependency court and seek assignment to that bench through the rotation cycles. The current rule does not prevent that. But the current rule gives us an additional option that serves us well. We are concerned the proposed rule would take away that option. The vast majority of cases in dependency court are handled by attorneys who specialize in that field. These attorneys have the ability to choose the option that best serves their client's needs in a particular case. Please let us keep it.

Sincerely,

/s/ James V. Cook, Esq. /s/ Janet Schaffer, Esq. /s/ Anne Marie Highsmith, Esq.
/s/ George Drumming, Esq. /s/ Catherine Healey, Esq. /s/ Joyce Dove, Esq.
/s/ Susan Barber, Esq.

Members of the Parents Bar, Dependency Court, Second Judicial Circuit

I certify a true copy hereof was sent to Alan Abramowitz, Committee Chair, 400 West Robinson Street, Orlando, Florida 32801-1782. */s/ James V. Cook, Esq.*