

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA

Administrative Order No.: 2018-009

AMENDED
ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES FOR
INJUNCTIONS FOR PROTECTION AGAINST EXPLOITATION OF
VULNERABLE ADULTS
(AMENDED ONLY TO CORRECT THE CONTACT INFORMATION FOR
DCF ADULT PROTECTIVE SERVICES IN PARAGRAPH 5)

WHEREAS, the Florida Legislature has enacted Section 825.1035, Florida Statutes, which creates the Injunction for Protection Against Exploitation of a Vulnerable Adult (“IFPEVA”) with an effective date of July 1, 2018, and policy is needed locally to implement that law and to make the procedures available for the purposes outlined in the statute;

THEREFORE, this Court enters this Administrative Order concerning IFPEVAs in the Third Circuit. Effective immediately, the following procedures will be followed in all cases in which a party seeks issuance, enforcement, or modification of a temporary or final IFPEVA.

1. When a petition is filed seeking entry of an IFPEVA, it will be filed in the Probate Division and will be assigned a “GA-VA” designation and will be heard by the presiding Probate/Guardianship Judge. However, if there is a pending or contemporaneously filed guardianship case in which the vulnerable adult is the ward or alleged incapacitated person, the petition seeking entry of the IFPEVA must be filed in the guardianship case.
2. The entire GA-VA case shall be deemed confidential and not available for public disclosure due to the required financial records and Adult Protection Services report.
3. Pending approval of the final or revised interim forms, the attached forms are approved for use in the Third Judicial Circuit. Each petition distributed by the Clerk’s Office shall also include a Notice of Confidential Filing.
4. When a petition for IFPEVA is filed, it will be reviewed by the presiding judge, or that person’s designee (“the judge”), no later than one business day after the date of filing. The judge will either enter a temporary ex parte IFPEVA pending a full hearing, a written order setting hearing without entry of a temporary ex parte IFPEVA, or a written order denying. The written order denying a temporary ex parte IFPEVA must

note the legal grounds for denial. When the only ground for denial is failure to demonstrate the appearance of an immediate and present danger of exploitation of a vulnerable adult, the court shall set a full hearing on the petition for injunction at the earliest possible date. If a petition is filed seeking entry of an IFPEVA through the e-portal, the filing should be designated as an “emergency,” so the clerk and the judge may be made aware of the need for review and entry of a written order no later than one business day after the date of filing.

5. A temporary ex parte IFPEVA will be made effective for a fixed period not to exceed 15 days. Pursuant to Section 825.1035(4)(h), Florida Statutes, the temporary ex parte injunction, along with a copy of the petition, shall be forwarded to the DCF Adult Protective Services program at the following email addresses:

cheryl.cain@myflfamilies.com;

gregory.patient@myflfamilies.com;

eva.rogers@myflfamilies.com; and

glenda.messer@myflfamilies.com.

Within 72 hours of receipt, the Adult Protective Services program shall submit, directly to the assigned judge, a summary of any current or past investigation involving the vulnerable adult or respondent. Copies shall be simultaneously sent to other required parties.

6. A full hearing must be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing, before or during the hearing, upon good cause shown by any party, which may include the need for a continuance to obtain service of process. Pursuant to Section 825.1035(5)(d), Florida Statutes, an ex parte IFPEVA is not extended beyond the initial 15 days as a result of a continuance.
7. The preferred hearing environment is a closed hearing room due to potential testimony of sensitive financial information, and the strong likelihood that the vulnerable adult may require telephonic appearance due to hospitalization or nursing home placement.

8. IFPEVA petitions shall be reviewed by and return hearings conducted by a judge and not by a quasi-judicial officer.
9. Duties of the Clerk of Circuit Court, the Sheriff, and other law enforcement agencies are defined within Section 825.1035, Florida Statutes.
10. Nothing herein prevents a judge who enters a temporary IFPEVA, final IFPEVA, or other order from using an electronic signature. Likewise, the judge may fax, email, or otherwise electronically transmit the signed temporary ex parte IFPEVA, final IFPEVA, or other order to the Sheriff for service. The Sheriff may forward the same fax, email, or other electronic transmission for service by another law enforcement agency within the same county.

DONE AND ORDERED in Columbia County, Florida on September 17, 2019.



MARK E. FEAGLE, CHIEF JUDGE
Third Judicial Circuit

cc:

Judges – Third Judicial Circuit
Clerks of Court – Third Judicial Circuit
Family Court Support Unit
John Lake – Court Technology Officer (web posting)

Enclosures:

- Petition for Injunction for Protection against Exploitation of a Vulnerable Adult (with instructions)
- Notice of Confidential Information within Court Filing
- Order Setting Hearing on Petition for Injunction for Protection against Exploitation of a Vulnerable Adult without Issuance of an Interim Temporary Injunction
- Order of Denial of Ex Parte Temporary Injunction for Protection against Exploitation of a Vulnerable Adult and Dismissal
- Temporary Injunction for Protection Against Exploitation of a Vulnerable Adult
- Order of Dismissal of Petition for Injunction for Protection Against Exploitation of a Vulnerable Adult (after hearing)
- Final Injunction for Protection against Exploitation of a Vulnerable Adult
- Amended Final Injunction for Protection against Exploitation of a Vulnerable Adult
- Motion to Dissolve Injunction for Protection against Exploitation of a Vulnerable Adult (with instructions)
- Motion to Modify Injunction for Protection against Exploitation of a Vulnerable Adult (with instructions)
- Affidavit of Violation of Injunction for Protection against Exploitation of a Vulnerable Adult