

MINUTES – FAMILY LAW RULES COMMITTEE MEETING

AUGUST 21, 2018

The meeting was called to order by Maria Obradovich at 12:04 P.M. and welcomed all the attendees.

The following members were in attendance:

Approval of June, 2018 Minutes was tabled.

Supreme Court Update

12.407 Children's Appearance in Court: Mikalla Davis reported that the purpose of this rule change was to resolve the conflict between the Juvenile Law and Family Law rules. The subcommittee cleaned up the language and took out Section a regarding the emergency situation. There were 2 comments. One from the Juvenile Rules Committee regarding naming only dependency and juvenile where there are other types of cases. The suggestion from the Juvenile Rules Committee that the rule be governed by the Juvenile Rules and this suggestion was accepted by the subcommittee. The other comment was made by Judge Scott Bernstein. He commented to do the opposite, which is that the Family Law Rules take precedence. This suggestion was not accepted by the subcommittee. The current posture of this rule is that the comment period is concluded. The response should be made by 9/4/18 to the committee that the suggestion made by the Juvenile Rules Committee be accepted and that the suggestion made by Judge Bernstein not be accepted. Robert Merlin moved to adopt the subcommittee's suggestion which was seconded by Harriet Williams. Jack Moring commented that the proposed language is too long. Corey Brandfon posed a question as to why our committee's approval is necessary. Harriet Williams commented that the parties should be trusted in the implementation of the rule. Arielle Capuano commented that we should permit judicial discretion as to the rule. Clark commented that once the child's presence not longer warranted, the Judge can direct the child be removed. The vote was called. The suggestion passed with 15 votes in favor and 7 opposed.

12.285 Revisited: Mikalla Davis reported that there has been confusion regarding this rule between the Florida and Federal versions. The subcommittee moved for a change to 12.996 a that is necessary and 12.996 d needs to be deleted. The vote was called and the subcommittee's recommendation passed with 23 in favor and none opposed.

Remote Testimony: Mikalla Davis reported that the suggested language requires changes to 12.310 and 12.451. The major change in the rule is to permit depositions and testimony by audio visual equipment and taking oaths. Ms. Davis further reported that the proposed rule takes out the word "stenographer" and adds the word "reporter." Caroline Black Sikorske commented that RJA committee removed the word "stenographer" so as to allow recording devices. Susan Giacoletto

suggested adding the word “transcribe.” Jack Moring commented that 1.310 needs to be deleted and that testimony must be recorded.

The meeting was adjourned at 1:02 P.M.

Respectfully submitted by Norberto Katz