

Proposed amendments to Florida Rule of Juvenile Procedure 8.013 (Detention Petition and Order)

The Florida Bar's Juvenile Court Rules Committee (Committee), in Case No. SC22-1462, has submitted to the Florida Supreme Court a report proposing amendments to Florida Rule of Juvenile Procedure 8.013. The proposed amendments add a new subdivision (c)(6), pertaining to the trial court's required findings in the detention order, to provide greater clarity when the child is detained on domestic violence charges. Additional changes are in accord with *In re Guidelines for Rules Submission*, AOSC22-78 (Fla. 2022).

The Court invites all interested persons to comment on the proposed amendments, which are below and reproduced in full online at <https://www.floridasupremecourt.org/Case-Information/Rules-Cases-Proposed-Amendments>. All comments must be filed with the Court on or before January 31, 2023, with a certificate of service verifying that a copy has been served on the Committee Chair, Stephanie C. Zimmerman, Children's Legal Services, 1301 6th Avenue West, Ste. 101, Bradenton, Florida 34205, stephanie.zimmerman@myflfamilies.com, and on the Bar Staff Liaison to the Committee, Elizabeth Clark Tarbert, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, etarbert@floridabar.org, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The Committee Chair has until February 21, 2023, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme

Court, Office of the Clerk, 500 South Duval Street, Tallahassee,
Florida 32399-1927.

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO FLORIDA RULE OF JUVENILE
PROCEDURE 8.013, CASE NO. SC22-1462**

RULE 8.013 DETENTION PETITION AND ORDER

(a) Time Limitation. No child taken into custody shallmust be detained, as a result of the incident for which taken into custody, longer than as provided by law unless a detention order so directing is made by the court following a detention hearing.

(b) Petition. The detention petition shallmust:

(1)-(6) [No change]

(c) Order. The detention order shallmust:

(1)-(3) [No change]

(4) order that the child shallmust be held in detention and state the reasons therefor, or, if appropriate, order that the child be released from detention and returned to his or her nonresidential commitment program;

(5) [No change]

(6) If the child is being detained on an offense that is classified as an act of domestic violence for 48 hours as provided by law, the detention order must include specific written findings that:

(A) respite care for the child is not available; and

(B) it is necessary to place the child in secure detention in order to protect the victim from injury.

(67) designate the place where the child is to be detained or the person or agency that will be responsible for the detention and state any special conditions found to be necessary;

(78) state the date and time when issued and the county and court where issued, together with the date and time the child was taken into custody;

(89) direct that the child be released no later than 5:00 p.m. on the last day of the specified statutory detention period, unless a continuance has been granted to the state or the child for cause; and

(910) be signed by the court with the title of office.