

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.206-9/20*

**IN RE: DISASTER AND EMERGENCY PROCEDURES
IN CRIMINAL, DELINQUENCY AND DEPENDENCY MATTERS**

The Fifteenth Judicial Circuit has adopted disaster and emergency procedures in Admin. Order 2.205-7/12. Those procedures do not address the handling of children in foster care, **children in the Juvenile Detention Center**, or offenders on community control.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

CRIMINAL MATTERS

1. Whenever a disaster or emergency is declared as provided for in Admin. Order 2.205-7/12, the **Circuit Administrator** for the Department of Corrections, in and for the Fifteenth Judicial Circuit, in consultation with the Department of Corrections Central and Regional Offices, as outlined in the Florida Department of Corrections Region IV Hurricane Disaster Control Plan, is hereby authorized to allow offenders that are placed on community control and/or ordered by the courts as a special condition of supervision to be placed in a non-secure treatment program, to leave their approved residence or court-ordered treatment program and go to a safe and temporary shelter approved by the **Circuit Administrator**.
2. Offenders are to remain at their approved safe and temporary shelter until they receive other instructions from his/her **probation officer**. Offenders are to return to their approved residence or court-ordered treatment facility within forty-eight hours after being advised by the **Department of Corrections** that it is safe to return.
3. If an offender's approved residence or court-ordered treatment facility is determined to be unsafe, the offender shall immediately contact **his/her probation officer** for further instructions.
4. In the event that an approved residence or treatment facility is determined to be unsafe by **the probation officer**, the **Circuit Administrator** shall assign the offender to a safe residence or treatment facility and shall notify the presiding judge accordingly.

DEPENDENCY MATTERS

5. Whenever a disaster or emergency is declared as provided for in Admin. Order 2.205-7/12, the

Department of Children and Families (“Department”) and/or the community-based care provider agency that contracts or subcontracts with the Department to provide case management or other services to children and their families (“Provider”), is authorized to allow children in the custody of the Department and/or under their supervision to go to a safe and temporary location, including out of county and/or state, without court order or permission of the presiding Judge.

6. At all times the Department shall maintain responsibility of all children who are relocated pursuant to this Administrative Order and shall establish procedures to ensure that the Department is advised of the planned relocation of all children in its care.
7. **Before the disaster or emergency the Department/Provider shall notify the Court that all children under the jurisdiction of the Court are safe and accounted for. If a child cannot be accounted for before the disaster or emergency, the Department/Provider will continue to update the Court on their progress in locating the child. Within 24 hours after the disaster or emergency, the Department/Provider will provide the name of any child under the jurisdiction of the Court that cannot be accounted for. The Department/Provider will continue to update the Court on their progress in locating the child every 24 hours thereafter.**
8. **Children shall be returned to their original placement as soon as it is safe and suitable. The Department/Provider will notify the Court of any child that has not been returned to their placement within 7 days of the disaster or emergency and will continue to update the Court on their progress in getting that child returned to their placement.**
9. **Wherever possible, notice should be provided to any lawyers representing the children, including but not limited to Legal Aid Society (Juvenile Advocacy Project, Foster Children’s Project). Notifications listed above should be provided to:**
 - a. **Legal Aid Society – *Supervising Attorney*, Juvenile Advocacy Project**

DELINQUENCY MATTERS

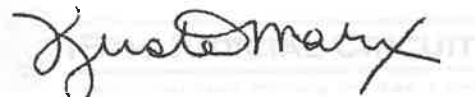
10. **Upon notice that the courthouses are being closed for potential hurricane impact and/or notice that the Juvenile Detention Center (“JDC”) will be evacuated, the JDC will send an email to the persons identified in paragraph 13, below, providing notification of the evacuation and a list of the following categories of detained children:**
 - a. **CHILDREN ELIGIBLE FOR EARLY RELEASE:**
 - i. **Children being held pre-trial** (the child’s 21st day of detention must be identified)
 - ii. **A child being held on a contempt sanction** (the child’s final day of detention must be identified)
 - b. **CHILDREN NOT ELIGIBLE FOR EARLY RELEASE:**
 - i. **Children pending transport to commitment**
 - ii. **Children from other Circuits**

11. If the State and Defense agree to an early release for a child, an agreed order will be forwarded to the detention judge for signature and then sent to the detention center.
12. If the State and Defense do not agree to an early release for a child, the child will be placed on the detention hearing docket within 24 hours.
13. Email notification list:
 - a. Office of the State Attorney
 - i. Chief, Juvenile Division
 - ii. Deputy Chief, Juvenile Division
 - b. Office of the Public Defender
 - i. Chief, Juvenile Division
 - c. Office of Regional Conflict Counsel
 - i. Managing Attorney, Criminal Division
 - d. Legal Aid Society – *if applicable*
 - i. Supervising Attorney
 - e. Private Defense Counsel – *if applicable*
 - f. Department of Juvenile Justice
 - i. Chief Probation Officer
 - ii. Assistant Chief Probation Officer
 - g. Juvenile Detention Center
 - i. Detention Center Superintendent
 - ii. Detention Center Assistant Superintendent
 - iii. Detention Review Specialist
 - h. Court Administration
 - i. Chief Deputy Court Administrator
 - i. Parent(s)/Guardian(s) – *via phone*

GENERAL DEPENDENCY AND DELINQUENCY MATTERS

14. Wherever possible, notice should be provided to any lawyers representing the children. In light of Legal Aid's Foster Children's Project and Juvenile Advocacy Project funded by the Children's Services Council, copies of any notifications listed above should be provided to:
 - a. Legal Aid Society – *Supervising Attorney*, Juvenile Advocacy Project

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida, this 22nd day of September, 2020.



Krista Marx
Chief Judge