

ATTACHMENT A

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA
JUVENILE DIVISION

IN THE INTEREST OF:

CASE NO:

CHILD(REN)

_____ /

ORDER SETTING PRETRIAL CONFERENCE

Pursuant to Florida Rules of Juvenile Procedure, the following is hereby ORDERED:

1. SCHEDULE: The Pretrial Conference is set on _____ at _____ a.m./p.m. before the Honorable _____ Circuit Judge, in Courtroom _____, _____ Floor, _____ Elevator, _____ Tower, in the Polk County Courthouse, 255 N. Broadway Avenue, Bartow, Florida.
2. ATTENDANCE: Each party shall be present and represented at the Pretrial Conference by the person who will try the case.
3. CONFLICTS: Within ten (10) days of this Order, or at the Pretrial Conference, counsel shall notify the Court if inadequate time has been allowed for trial, if a scheduling conflict exists, or if discovery cannot be completed.
4. MEDIATION: The parties shall set and attend mediation prior to the Pretrial Conference.
5. SETTLEMENT: In the event this case settles, DCF counsel shall immediately notify the undersigned Judge by written fax memorandum or by a phone call. Counsel should not release witnesses until the settlement is approved by the Court.
6. CONTINUANCES: No continuance will be granted unless good cause is demonstrated in writing, signed by counsel and the parties he or she represents.
7. CONSULTATION: At least ten (10) days before Pretrial Conference, DCF counsel shall conduct a consultation, by telephone or in person, with all opposing counsel in order to:
 - a. Discuss settlement
 - b. Arrange to examine all trial exhibits and demonstrative aids.

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- c. Review witness lists with the goal of identifying those witnesses each party reasonably anticipates will be called to testify at trial.
- d. Review the five (5) items found in Rule 1.200(b), Fla.R.Civ.P., in preparation for the Pretrial Conference.
- e. Prepare the mutual stipulation and proposed Pretrial Order as required below.

8. **MUTUAL STIPULATION AND PROPOSED PRETRIAL ORDER:** At least three (3) working days before Pretrial Conference, a Stipulation (in one document) shall be submitted directly to the Court's Chambers either by U.S. mail or by hand delivery, **not** by facsimile. DCF counsel shall have the responsibility for drafting the Stipulation which shall contain a statement of:

- a. Factual issues that have been resolved.
- b. Factual issues that remain to be litigated.
- c. Legal and evidentiary issues likely to arise at the adjudicatory hearing or trial.
- d. A final witness list.
- e. A final exhibit list.
- f. Whether any party or witness has raised a possibility of the application of The Indian Child Welfare Act (ICWA), 25 U.S.C. 1901.
- g. Whether the use of the child witness room and/or interpreter services are needed.
- h. The signatures of counsel for all parties.

DCF counsel, unless otherwise directed by the Court, will have responsibility for drafting the proposed Pretrial Order which shall contain:

- a. The incorporated mutual Pretrial Stipulation.
- b. The Court's rulings upon all matters requiring Court Action.

The Pretrial Order shall thereafter control the course of action.

9. **DISCOVERY:** The Court directs that all discovery in TPR cases shall be completed before Pretrial Conference. In Dependency cases all discovery shall be completed before Mandatory Docketing. Discovery conducted thereafter will be at the risk of counsel.

10. **MOTIONS:** No Motions will be heard at or after the Pretrial Conference absent compelling circumstances and consent of the Court.

11. **COMMUNICATIONS NOTICING COURT PROCEEDINGS:** All communications noticing court proceedings, including but not limited to, subpoenas for trial, summons, notices of hearings, notices for depositions and all other court-related proceedings shall provide that a person with a disability who needs a special accommodation shall contact the Office of the Court Administrator to insure that

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reasonable accommodations are available. Such communications noting Court proceedings shall include the following substantive language.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled to, at no cost to you, to the provision of certain assistance. Please contact the Office of the Court Administrator (863) 534-4699 within two (2) working days of your receipt of this (described notice); if you are hearing or voice impaired, call TDD (863) 534-7777 or Florida Relay Service 711.

DONE and ORDERED at Bartow, Polk County, Florida this _____ day of _____, _____.

CHARLES LEE BROWN
Circuit Judge

Copies furnished to: