

**Handling and Submission of Evidence in Remote Hearings**  
**Division 38 – Judge Michael S. Orfinger**  
**Delinquency, Dependency and Unified Family Division**  
**(Effective February 15, 2021)**

**I. Rules applicable to Adjudicatory Hearings in Dependency Proceedings:**

A. MANDATORY PRETRIAL MEETING: No later than ten (10) days prior to the adjudicatory hearing (or the pre-adjudicatory hearing if one is conducted), counsel and any unrepresented party shall meet either in person or by remote videoconference. Attendance and participation in this meeting is mandatory. Counsel for the Department of Children and Families shall coordinate a mutually agreeable time, date, and place for this meeting. At the pretrial meeting, the attorneys and any unrepresented parties shall:

1. Exchange exhibit lists. The lists shall identify each exhibit in a non-generic fashion (*e.g.*, “Medical records from Dr. John Doe” is sufficient; “Any and all medical records pertaining to the child” is not).
2. Produce, examine, and initial every evidentiary exhibit intended to be offered at the adjudicatory hearing; agree on those which can be admitted as joint exhibits or without objection, and identify those to which objections will be made and the specific grounds for each objection.
3. The specific objections to each exhibit shall be noted on a separate copy of each party’s exhibit list. Counsel will file these annotated exhibit lists no later than the day of the adjudicatory hearing, and objections not so noted on the annotated exhibit lists will be deemed waived at trial. Any exhibit to which no objection is noted will be admitted into evidence.

4. Discuss and attempt to agree upon how the introduction of exhibits may be streamlined at the adjudicatory hearing (*e.g.* use of copies in lieu of originals, waiver of records custodians, etc.). Any agreements reached shall be placed on the record in the form of a written stipulation or in open court at the adjudicatory or pre-adjudicatory hearing.
5. If any party intends to use deposition testimony at trial, the deposition should be listed as an exhibit. If the parties intend to use excerpts of depositions, the excerpts should be set forth in the exhibit lists as well. The parties should attempt to resolve any objections placed on the record at the deposition or otherwise preserved during their meeting.
6. Any party intending to use demonstrative aids at the adjudicatory hearing must show them to the opposing counsel or unrepresented party at the meeting. Demonstrative aids must be listed on the parties' exhibit lists and any objections to their use noted as well. Keep in mind that certain demonstrative aids may not lend themselves well to proceedings conducted in a virtual format, although the Court will make screen sharing available.

## II. Submission of Evidentiary Exhibits in Dependency Proceedings.

- A. Counsel and any unrepresented party shall deliver their trial exhibits to the Clerk of the Court, Family Division, 125 E. Orange Avenue, Daytona Beach, FL 32114 **no less than three (3) business days prior to the adjudicatory hearing**. Each exhibit shall be pre-marked for identification in the lower right-hand corner (*e.g.* "Petitioner's Exhibit A," "Department's Exhibit B," "Mother's Exhibit C," etc.). The Clerk will assign each exhibit a number as they are admitted into evidence.
- B. No later than the time parties deliver their exhibits to the Clerk, they shall provide electronic copies of the exhibits to counsel for each party and each unrepresented party whose e-mail address is of record.

Otherwise, unrepresented parties may be served their copies of the exhibits via any other method of service permitted by the Florida Rules of Juvenile Procedure or the Florida Rules of General Practice and Judicial Administration.

- C. No later than the time parties deliver their exhibits to the Clerk, they shall provide electronic copies of the exhibits to the Court via e-mail at [Division38@circuit7.org](mailto:Division38@circuit7.org). Alternatively, they may provide a copy of the exhibits to the Court in a three-ring binder with each exhibit separately tabbed.

## **II. Use of Evidentiary Exhibits in Dependency, Delinquency, and all other Family Proceedings.**

- A. If counsel or any unrepresented party intends to question a witness about an exhibit, the attorney or unrepresented party must provide copies of the pre-marked exhibit(s) to the witness prior to the hearing.
- B. Witnesses shall be instructed not to look at any other documents or devices during their testimony without leave of Court. Any such documents or devices must be readily visible to the Court and all other participants on the Zoom conference.