

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR COLLIER COUNTY, FLORIDA**

JUDGE SHANNON H. MCFEE

RE: COVID-19 MITIGATION
ZOOM TELECONFERENCING OR
ALTERNATE PHONE REQUIREMENT
FOR ALL HEARINGS
IN CIRCUIT DEPENDENCY COURT

**DEPENDENCY DIVISION TEMPORARY EMERGENCY ORDER
REQUIRING TELEPHONIC/ONLINE APPEARANCE VIA ZOOM
TELECONFERENCING OR PHONE-IN IN ALL DEPENDENCY
HEARINGS**

In order to conduct court business efficiently, while taking reasonable steps considering COVID-19 to minimize nonessential travel and contact,

- **Effective immediately, all hearings in Dependency Court (Judge McFee) shall be conducted online via Zoom video teleconferencing app via Smartphone, Tablet or Desktop device.** The Zoom app is advertised as free of charge to those who select the app.
- A Meeting Code will be established for the specific court date/event to be entered in order to join the proceeding. This Meeting Code will be provided to all participating attorneys, who will, in turn, be required to share the Meeting Code with Case Managers, GAL staff and volunteers and clients who wish to give testimony and any other witnesses who counsel wishes to have participate. **Parents and Caregivers who are**

represented by counsel are required to obtain this code from counsel or Case Manager. If unrepresented, the Case Manager who has obtained the Parents/Caregivers contact information will be required to provide the Meeting code to those parties.

- If the participant is not able to download the app, the party may **call (239) 252-8132 (Judge McFee's Judicial Assistant) to be transferred into the courtroom for a telephonic connection.** There will be no in-person appearances for hearings in Dependency Court absent further order.
- The Zoom teleconference will be captured by Courtsmart.
- **All trials and complex evidentiary hearings will be addressed preliminarily with a hearing conducted as set forth in this Order and, if necessary, will be set in a manner sufficient to ensure a full and fair hearing.**
- **Should there be a need for an Interpreter, please advise the Court as soon as possible so necessary arrangements may be attempted using alternative equipment.**
- If a party seeks an in-person appearance for any hearing, a new motion must be filed, and a case specific order granting such relief entered prior to an in-person appearance.

- This order supersedes the information provided on Judge McFee’s Court Procedures website to the extent that it is inconsistent and all previous orders entered in any case requiring in person appearance for a hearing.
- This order is subject to amendment as the Court obtains more information and guidance from local, state, and federal authorities.

BACKGROUND

- On March 11, 2020, Florida Supreme Court Chief Justice Charles T. Canady issued an administrative order on behalf of the Florida State Courts in response to COVID-19 noting that “the Governor of Florida has declared a state of emergency exists and the Surgeon General and State Health Officer has declared a public health emergency exists.” AOSC20-12 at 1.
- The Chief Justice explained that “preparations for COVID-19 are now a high priority in the Florida State Courts System” and ordered that measures be put in place “with the policy of mitigating the impact of COVID-19 while keeping the courts open to the fullest extent consistent with public safety.” Id. at 2. Such measures include the “use of technology, electronic documents, electronic communications, and other electronic means of

conducting court business to mitigate the spread of COVID-19, to the extent consistent with law.” Id. at 3.

- In separate Administrative Orders issued by Chief Judge of the Twentieth Judicial Circuit Michael McHugh on March 13, 2020 and March 16, 2020, it was made clear that everything that can be done to minimize the spread of the COVID-19 virus be done, while still attempting to conduct as much court as possible.
- Recognizing that the health, safety and welfare of children is the priority of all those who work in the Dependency arena, and that the Due Process Rights of the parents must also be strictly protected, the court recognizes that exceptions to all these general rules and applications will exist and will be dealt with as necessary.
- Accordingly, in conformity with the administrative orders and this Court’s inherent authority to manage its docket, and in line with federal, state, and local public health advisories and orders, this division shall implement procedures that utilize available technology to preserve access to courts and conduct court business while mitigating the spread of COVID-19.
- Now, more than ever, the Court encourages open communication, creativity, planning, professionalism, understanding, and agreement where appropriate.

- Most importantly, this order seeks to provide a common-sense approach that puts health first and mitigates risk while staying open for court business. In addition to the requirement of telephonic appearances for hearings as explained herein, your health and your duty to the collective well-being of the community always come first.


- **Regardless of the type of hearing, do not come to court if you think you have been exposed to COVID-19, have traveled to an area with widespread or ongoing community spread of COVID-19, or you are or have been sick or exhibiting fever, cough, shortness of breath, or any other possible indication of infection as described by your health care professional or relevant local, state, or federal officials.** In these circumstances, immediately contact a health care professional if you have not done so. Then, as appropriate, and with as much advance notice as possible, contact opposing counsel/parties and chambers to reset or reschedule the matter.

As explained above, it is **ORDERED** that, effective immediately, all hearings in the Collier County Dependency Court shall be conducted online/telephonically via Zoom teleconferencing or via phone call to the Judge's Judicial Assistant for transfer to the Courtroom.. This order applies to counsel as well as unrepresented parties. This order includes all proceedings in Dependency Court. It is incumbent on counsel

or the unrepresented party to sign up using the Zoom app and set up the account (if necessary) and obtain all relevant information IN ADVANCE of the scheduled hearing. If there are any issues with the Zoom app or the ability to call in, you must notify the Court in advance of the hearing, or, if appropriate, file a motion seeking relief. Counsel should assist the Court in facilitating compliance with this order by unrepresented parties, including explaining the requirement of this order during a pre-hearing communication and providing a copy of this order or directing them to the division website where this order is available.

DONE AND ORDERED in Chambers in Collier County, Florida this

March 17, 2020.



Shannon H. McFee

CIRCUIT COURT JUDGE