

IN THE CIRCUIT COURT OF
THE EIGHTEENTH JUDICIAL
CIRCUIT OF FLORIDA

ADMINISTRATIVE ORDER
NO. ;
91-76-Ci

IN RE: **LIMITS ON INTERVIEWS OF CHILD ABUSE VICTIMS UNDER
 THE AGE OF SIXTEEN**

WHEREAS, the Florida Legislature has enacted Section 914.16, Florida Statutes, addressing the need to set reasonable limits on the number of interviews that a victim of child abuse under the age of sixteen must submit to; and

WHEREAS, the purpose of such limitation is to protect said child, to the extent possible, from the psychological damage of repeated interrogation; and

WHEREAS, these efforts should be balanced with the rights of the public and the person charged with the violation of the law;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eighteenth Judicial Circuit of Florida and Section 914.16, Florida Statutes, it is hereby

 ORDERED that the following guidelines shall be adhered to in every case involving a violation of section 794.011; 800.04; 827.03; 827.04, Florida Statutes, where the victim is under the age of sixteen;

1. Investigative agencies may conduct one full & complete investigative interview of the victim for the purposes of criminal and dependency proceedings. All agencies involved in the investigation of violations of these sections shall coordinate their investigations to facilitate this provision. If, after diligent efforts to cooperate and schedule one joint interview, HRS is unable to attend the law enforcement interview, or law enforcement is unable to attend the HRS interview, the absent agency shall

rely on the interview already conducted. Investigative deficits in said interview shall be reviewed with resolved by the Assistant State Attorney assigned to the case.

2. The investigative interview shall be preserved by audiotape or videotape, with a preference for videotaping the interview.
3. The State Attorney's Office may conduct one full and complete pre-filing interview of the victim.
4. The State Attorney's Office additionally may conduct one full and complete pre-trial interview of the victim.
5. Should the case actually be set for trial, the State Attorney's Office additionally may conduct one full and complete trial preparation interview of the victim. "Set for trial" means the case is actually listed on the court's trial list for trial during the court's trial period after docket sounding.
6. The victim's advocate shall be permitted to conduct an interview of the child victim only by order of the trial judge upon good cause shown. Said good cause may be presented to the court in camera, and the court will then conduct further proceedings if appropriate.
7. There shall be only one discovery deposition of the victim permitted for the purposes of criminal and dependency proceedings. Counsel for the defendant(s) and for the respondent(s) in said proceedings shall coordinate their depositions to facilitate this provision. The requirement of joint depositions shall apply only to pending criminal or dependency cases where discovery has been requested prior to the date of the deposition.
8. Interviews and depositions shall be conducted in a setting and manner designed to minimize the traumatic effect of the interview on the child.
9. Additional interviews shall be allowed only by order of the trial judge upon motion for good cause shown, unless there is no objection to said interview from

the child's custodial parent, legal guardian, guardian ad litem, and Assistant State Attorney assigned to the case. Additional interviews shall be limited in scope as much as possible to assure minimal impact on the victim.

10. "INTERVIEW," for purposes of this Order, means any procedure in which the child is required to provide and does provide a detailed account or demonstration of the nature and circumstances of the abuse, but does not include the history obtained for purposes of medical or psychological diagnosis, therapy, or treatment, or any initial contact with the child by law enforcement, an agent or employee of the school system, or HRS to assess the validity of the complaint or the need to take protective measures on behalf of the victim.
11. Nothing contained in this Order shall prevent the trial court from limiting the discovery deposition pursuant to the applicable provisions of the Florida Rules of Criminal Procedure, the Florida Rules of Civil Procedure, or the Florida Rules of Juvenile Procedure, or ordering such further relief as may be deemed appropriate upon good cause shown.

DONE and ORDERED at Titusville, Brevard County, Florida, this 25th day of June, 1991.

O. H. EATON, JR.
O. H. EATON, JR.,
Chief Judge
Eighteenth Judicial
Circuit

Distribution:

All Circuit Judges
All County Judges
All Law Enforcement Agencies
Department of HRS-
Child Protection Team -
Guardian Ad Litem
Office of the State Attorney

Office of the Public Defender

Recorded:

Brevard County 7-10-91 OR BK 3136 PG 1223-1225
Seminole County 7-26-91 OR BK 2319 PG 1422-1424

Index: WITNESSES