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IN THE CIRCUIT COURT OF THE 16
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 5.035

IN RE:

PROCEDURES FOR APPOINTMENT OF
APPELLATE COUNSEL IN DEPENDENCY APPEALS

WHEREAS, the Sixteenth Judicial Circuit in and for Monroe County, Florida recognizes the necessity to assure expeditious dependency appellate proceedings; and

WHEREAS, some of the delays in prosecuting dependency appeals result from confusion in the appointment of appellate counsel, the preparation of the record and transcripts; and


WHEREAS, clarification of the appointment of appellate counsel process in dependency cases is needed;

NOW THEREFORE, pursuant to the authority vested in me as Chief Judge of the Sixteenth Judicial Circuit of Florida, this Circuit hereby establishes the following procedures which shall be followed in the appointment of appellate counsel for dependency appeals:

1. When trial counsel receives the written final judgment rendered by the trial court and the client informs counsel that he/she wants to appeal the final judgment, ~~trial counsel shall prepare a motion for~~ appointment of appellate counsel.
2. The motion for appointment of appellate counsel shall be submitted to the presiding judge *ex parte* and shall include the following:
 - a. A copy of the Notice of Appeal, filed by the trial counsel;
 - b. A copy of the designations to the court reporter, including all trial dates;
 - c. Attestation that the attorney has spoken to the parent and affirmed that the parent wishes to appeal the order; and
 - d. An order allowing payment for transcripts if applicable.

3. The above-listed documents will be submitted to the presiding judge who will appoint appellate counsel within 48 hours of receipt.
4. Appellate counsel shall upon receipt of the appointment, immediately file a substitution of counsel with the Third District Court of Appeal. See, *Interest of P.S.*, No. 2D06-1264, slip op. at 7-8 (Fla. 2nd, Nov. 17, 2006).
5. In order to avoid delay in the appointment of counsel, it shall be the responsibility of appellate counsel to file a current affidavit of financial indigence from his client showing the continued need for court appointed appellate counsel. Further, appellate counsel shall file Directions to the Clerk of Court regarding the record within 10 days from the Notice of Appeal pursuant to Fla.R.App.P. 9.200(a)(3).
6. This Order shall take effect on June 1, 2007 and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Key Wet, Monroe County, Florida, on this 22 day of May, 2007.



Sandra Taylor, Chief Judge
Sixteenth Judicial Circuit