

ADMINISTRATIVE ORDER RE: PROCEDURES FOR CLERK'S CERTIFICATION OF
INDIGENCY IN DOMESTIC RELATIONS DIVISION

WHEREAS, Section 57.081 (1), Florida Statutes, mandates that indigent persons who are parties or intervenors in any judicial proceeding or who initiate such proceedings shall receive the services of the Court, the Sheriff and the Clerk of the Circuit Court (the "Clerk") without charge; and

WHEREAS, Section 57.081, Florida Statutes, regards the Clerk and the issuance of a certificate of indigency based on the filing of an affidavit; and

WHEREAS, it has come to the attention of the court that abuses of this law are occurring within this circuit; and

WHEREAS, it is the court's duty to prevent an abuse of judicial procedure; and

WHEREAS, the judges of the court request further detailed financial information to evaluate such indigent status; and

WHEREAS, it is necessary to require persons seeking affidavit under oath to the court for determination of a person's financial status; and

NOW, THEREFORE, I, BELVIN PERRY, JR., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Rule 2.050, Florida Rules of Judicial Administration, do hereby order that:

1. Before the Clerk accepts filing of a Domestic Relations case in which the party is seeking indigent status, that person shall first provide proof of income or proof of unemployment and an executed financial affidavit in substantial compliance with the affidavit incorporated herein as "Attachment A."

2. Upon reviewing the proof of income or proof of unemployment and the Executed Financial Affidavit, the Clerk shall determine whether the filing fee should be waived.

3. If the Clerk determines that the filing party is indigent and the Certificate of Indigency has been issued, the Clerk shall stamp or so otherwise indicate on the court case file that a person involved with the case is seeking indigent status.

4. If the Clerk determines that the person is not indigent, the Clerk shall not accept the filing without payment of the required filing fees.

5. If the person declaring indigency disputes the Clerk's finding, the Clerk shall advise the person of the date and time he or she should appear for a hearing before the judge.

6. If the judge determines that the person is indigent, the Clerk shall immediately accept the filing without payment of the required filing fees and shall issue a Certificate of Indigency.

7. In all cases where a litigant is indigent, the Clerk shall only issue copies of the indigent's pleadings to the named party or parties to the lawsuit.

8. In the event that multiple parties to a case seek indigent status, each party must complete an affidavit of indigency, provide proof of income or proof of unemployment, and complete a financial affidavit described and incorporated in this Administrative Order before the

Clerk will accept for filing under Section 57.081, Florida Statutes.

9. Pursuant to Rule 1.080(g), Florida Rules of Civil Procedure, and the Committee Notes interpreting that rule, the Clerk shall not serve copies for litigious persons appearing in proper person who are familiar with the requirements of the rules of court.

10. This Administrative Order does not apply to cases filed in the Domestic Relations Division pursuant to Section 741.30 and Section 784.046, Florida Statutes.

11. The party seeking such indigent status is charged with the responsibility of monitoring the court file and advising themselves of the entry of any relevant orders therein.

12. APPLICABILITY. This Administrative Order only applies to situations where there is no attorney certification and the person is proceeding as a pro se litigant.

13. EFFECTIVE DATE. This Order shall be effective for cases as described herein, filed on or after January 1, 1996.

DONE AND ORDERED in Chambers in Orlando, Orange County, Florida, this 22nd day of January, 1996, NUNC PRO TUNC 01-01-96.

/s/ Belvin Perry, Jr.

Belvin Perry, Jr.
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar Association
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Law Library
The Osceola County Sheriff's Office
The Legal Review
Family Intake Unit, Ninth Judicial Circuit
Patricia Shaughnessy, Deputy Court Administrator, Juvenile
Division, Ninth Judicial Circuit
Kathy Reuter, Family Mediation, Ninth Judicial Circuit
Dr. Bo Ward, Family Mediation, Ninth Judicial Circuit
Honorable Ted P. Coleman
Honorable Richard F. Conrad

Vivian Bennett, Clerk's Office, Domestic Division, Ninth Judicial Circuit

Carmen Velazques, Manager, Clerk's Office, Domestic Division, Ninth Judicial Circuit

Shawne Kreider, Spouse Abuse, Inc.

Ana Tangel-Rodriguez, Esq., Tangel-Rodriguez & Assoc.

Barbara Bryan, Child Support Enforcement Unit, Department Of Revenue

Angel Bello-Bellini, Esq., Legal Aid Society of the Orange County Bar Assoc., Inc.

Corporal Laurie Helgren, Orange County Sheriff's Department

Administrative Order No. 07-95-35