

**IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2017-02

**IN RE: INTERVIEWS INVOLVING VICTIMS UNDER AGE 16 IN CHILD AND
SEXUAL ABUSE CASES**

In accordance with Section 914.16, Florida Statutes (2016), and pursuant to the authority conferred by Rule 2.215, Florida Rules of Judicial Administration, it is **ORDERED** as follows:

1. This order shall apply to the investigation and prosecution of all cases of abuse under Sections 794.011, 800.04, 827.03 or 847.0135(5), Florida Statutes, when the victim is under sixteen (16) years of age or a victim of a violation of Sections 794.011, 800.02, 800.03, or 825.102, Florida Statutes, who is a person with intellectual disability as defined in Section 393.063(21), Florida Statutes, at the time the interviews are sought.

2. For purposes of this order the term "victim" refers to any person who is suspected of or alleged to have been the victim of the above enumerated statutes. The term "interview" is defined as any procedure in which the victim is required or requested to provide a detailed factual account of the circumstances surrounding the allegation of abuse. The term "interview" does not include the following:

A. Information obtained for the purpose of medical or psychological diagnosis or treatment.

B. An initial contact with the victim by law enforcement and/or Florida Department of Children and Families (DCF) to assess the validity of complaint or the need to take protective measures on behalf of the victim.

C. Contacts with DCF legal, victim services, (sexual assault/domestic violence) counselors, guardians ad litem, or assistant state attorneys seeking to carry out responsibilities as designated by statute.

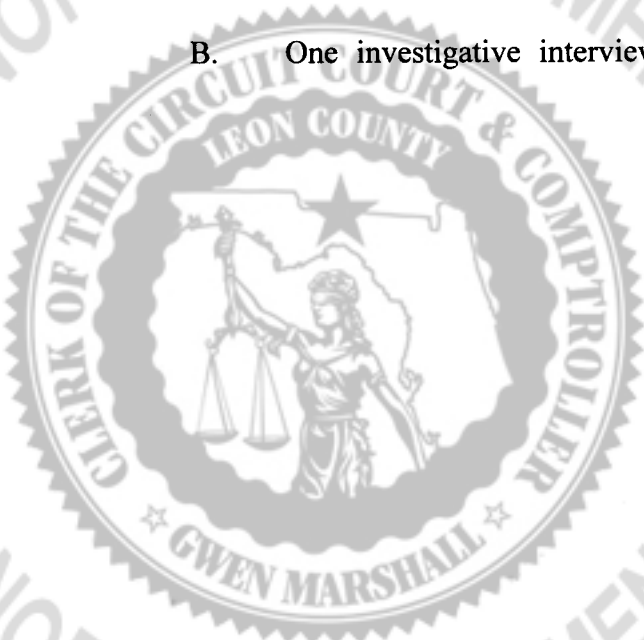
D. Court testimony of the victim.

E. Any initial contact by an agent or employee of the school system.

3. In accord with the foregoing and with the intent of minimizing the negative effects of multiple interviews of victims, such interviews shall be governed by the following:

A. All interviews shall be conducted in a setting and manner designed to minimize the traumatic effects of the interview on the victim.

B. One investigative interview may be conducted for the purposes of criminal



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delinquency and/or dependency proceedings. All agencies involved in the investigation of the above enumerated statutes including law enforcement, DCF, State Attorney's Office (SAO), Child Protection Team (CPT), shall coordinate their efforts to facilitate this provision, so that only one investigative interview is conducted regardless of whether the investigation is for dependency, delinquency or criminal proceedings, or both. All efforts shall be made to limit the number of persons participating in the interviewing of the child to no more than two. The interview shall be videotaped or recorded whenever possible to insure that other parties have the opportunity to see and hear the victim's statement.

C. A second interview may be conducted by the SAO and/or law enforcement, and may include DCF, victim services (sexual assault/domestic violence), or CPT for the purpose of clarifying and expanding any facts necessary for a determination as to filing of charges or a petition.

D. A third interview may be conducted under the rules governing depositions. Counsel shall notice all parties including the guardian ad litem consistent with the applicable rule of procedure. Any additional discovery depositions will be governed by Rule 3.220, Florida Rules of Criminal Procedure, or Rules 8.060 and 8.245, Florida Rules of Juvenile Procedure.

E. A fourth interview may be conducted by the office of the prosecuting attorney by the SAO or DCF as final preparation for trial.

F. Additional interviews shall be allowed only by order of the court upon motion for good cause shown. Additional interviews shall be limited in scope to assure minimal impact on the victim.

G. Nothing contained in this order shall prevent the trial court from modifying the number, scope or manner of interviews allowed by this order upon motion of any interested party and a showing of good cause of any interested party and a showing of good cause, or from modifying discovery depositions pursuant to the applicable provisions of Civil, Criminal or Juvenile Procedure rules.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 10th day of March 2017.



JONATHAN SJOSTROM
Chief Judge

Copies furnished to:
All Circuit and County Judges, Second Judicial Circuit
All Clerks of the Courts, Second Judicial Circuit
Court Administration

