

West's Florida Statutes Annotated
Florida Rules of Juvenile Procedure (Refs & Annos)
Part II. Delinquency Proceedings (Refs & Annos)
F. Hearings

Fla.R.Juv.P. Rule 8.100

Rule 8.100. General Provisions for Hearings

Currentness

Unless otherwise provided, the following provisions apply to all hearings:

(a) Presence of the Child. The child shall be present unless the court finds that the child's mental or physical condition is such that a court appearance is not in the child's best interests.

(b) Use of Restraints on the Child. Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, may not be used on a child during a court proceeding and must be removed prior to the child's appearance before the court unless the court finds both that:

(1) The use of restraints is necessary due to one of the following factors:

(A) Instruments of restraint are necessary to prevent physical harm to the child or another person;

(B) The child has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or

(C) There is a founded belief that the child presents a substantial risk of flight from the courtroom; and

(2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.

(c) Absence of the Child. If the child is present at the beginning of a hearing and during the progress of the hearing voluntarily absents himself or herself from the presence of the court without leave of the court, or is removed from the presence of the court because of disruptive conduct during the hearing, the hearing shall not be postponed or delayed, but shall proceed in all respects as if the child were present in court at all times.

(d) Invoking the Rule. Prior to the examination of any witness the court may, and on the request of any party in an adjudicatory hearing shall, exclude all other witnesses. The court may cause witnesses to be kept separate and to be prevented from communicating with each other until all are examined.

(e) Continuances. The court may grant a continuance before or during a hearing for good cause shown by any party.

(f) Record of Testimony. A record of the testimony in all hearings shall be made by an official court reporter, a court approved stenographer, or a recording device. The records shall be preserved for 5 years from the date of the hearing. Official records of testimony shall be provided only on request of a party or a party's attorney or on a court order.

(g) Notice. When these rules do not require a specific notice, all parties will be given reasonable notice of any hearing.

Credits

Former Rule 8.220 amended Dec. 28, 1984, effective Jan. 1, 1985 ([462 So.2d 399](#)). Renumbered as new Rule 8.100 and amended May 9, 1991, effective [July 1, 1991 \(589 So.2d 818\)](#). Amended Nov. 5, 1992, effective [Jan. 1, 1993 \(608 So.2d 478\)](#); [Jan. 26, 1995 \(649 So.2d 1370\)](#); [April 29, 1999 \(753 So.2d 541\)](#); July 6, 2000 (opinion withdrawn on denial of rehearing March 15, 2001); [March 15, 2001 \(796 So.2d 470\)](#); [June 26, 2008 \(985 So.2d 534\)](#); Dec. 17, 2009, effective [Jan. 1, 2010 \(26 So.3d 552\)](#).

[Notes of Decisions \(25\)](#)

West's F. S. A. R. Juv. P. Rule 8.100, FL ST JUV P Rule 8.100
Current with amendments received through 3/15/14