

March 16, 2020: Meet Judge Martinez-Scanziani & Judge Aponte

Panelists: Judge Denise Martinez-Scanziani, Judge Rosy Aponte, GALA Rita Ugarte, and GALA Lynn Misset

Judge Denise Martinez-Scanziani was an attorney for over 20 years, practicing in matrimonial/family law. Her heart is with families, and she believes that if she can impact a family, she has made a contribution to society. She values each and every GAL.

Judge Rosy A. Aponte was a former teacher, and when she was practicing law, her focus areas were foreclosure, personal injury, civil rights, and employment law.

1. What obstacles do zoom hearings present?

- a. Judge Martinez-Scanziani: Reminding everyone we are in a court proceeding. Sometimes there is a lack of decorum. Zoom hearings make assessing credibility more difficult because it is harder to read facial expressions. On the positive side, Zoom can be an excellent tool. It allows foster parents and caregivers more access during working hours. Parents do not have to lose work time for travel and waiting for hearings.
- b. Judge Aponte: It is a good asset. We are saving gas and the planet. She hopes that for small hearings, Zoom will continue after we return to court in person. However, trials should be conducted in person. The negatives of Zoom hearings are inappropriate attire (tee shirts are not acceptable -- even for GALs) and people don't have as much control over their behavior/mannerisms.

2. What do you want to hear from the GAL?

- a. Judge Aponte: How the children are doing, school updates, medical needs, and the bond with the caregivers/parents.
- b. Judge Martinez-Scanziani: I echo what Judge Aponte stated above. GALs are the eyes and ears of the Court. I am pro-child and want to know where we are towards achieving permanency. I want to know progress in services or services needed. I also want practical experience and common sense if it's something important to a child (example: normalcy -- such playing on a team, etc.). I also want to know if the child wishes to speak to me.

3. What are your pet peeves?

- a. Judge Martinez-Scanziani: Non-legal objections, speaking over each other, interrupting, lack of professionalism and anything that will affect a clean record.
- b. Judge Aponte: Rudeness, meanness, unprofessionalism, making blanket accusations without a basis.

4. Reports: when do you want them? What do you look for and how much detail do you like?

- a. Judge Aponte: Reports are very important, but testimony is more important. Whatever you are going to testify to should be in the report. I would like them filed at least 2 weeks prior to the hearing so they make it into the case file.
- b. Judge Martinez-Scanziani: How long they have been in care and how many placements. **I like the statistics in the beginning of the report.** I want to achieve permanency as efficiently as possible. I like details! Even though we aren't in court physically, I get and read all the reports. I also want to know anything outside the box. Bold and highlight your recommendations.

- 5. What is your feeling on children attending hearings (in Zoom and in person someday)?**
- Judge Martinez-Scanziani: I won't do a one-on-one with the child, but love speaking to the children. If during Court, we will go into a breakout room. If not possible during court, with the agreement of all parties, I will schedule a Zoom conference after hours. Children are parties and have a right to appear. I want the GAL to weigh the child's appearance in Court because of the child missing school and the sensitive issues that may be discussed. If the GAL feels it is not in the child's best interest to attend, please let the Court know.
 - Judge Aponte loves to meet with the children and asks the GAL to set it up.
- 6. If the GAL is present, do you ask the GAL to speak? When it comes to how the children are doing and what's going on, do you want to hear it from the GAL or the GAL attorney?**
- Judge Aponte: I always want to hear from the GAL. At the end of every hearing, I ask the GAL to report on how the children are doing.
 - Judge Martinez-Scanziani: I ask the attorney if there is anything the GAL would like to report. If I forget, the attorney reminds me that the GAL is present.
- 7. If the GAL/GAL attorney think a particular service is necessary and the agency/CLS does not, what is your procedure?**
- Judge Martinez-Scanziani: I haven't had any objections to requests for service. If there was a highly contested issue, I would hold an evidentiary hearing.
 - Judge Aponte: I would hold an evidentiary hearing.
- 8. Are there any special rules for your courtroom?**
- Judge Aponte: I have adopted Judge Stuzin's rules for now.
https://www.jud11.flcourts.org/judges_forms/21572459275-10662458984-ZOOM%20INSTRUCTIONS%20D008.pdf
 - Judge Martinez-Scanziani: I have a standing order/request for hearing procedure. If something will take more than 15 minutes, I will do a special re-set. All parties must have communicated and been unable to resolve the issues. No staffings occur during calendar. I also follow a particular order of announcement. I'm not a fan of acronyms!
- 9. What is your view on last-chance case plans?**
- Judge Martinez-Scanziani: The statute says permanency in 12 months, although we all recognize that is just a goal. I don't recognize last-chance case plans. For me, every case plan is a last-chance case plan.
 - Judge Aponte: On a case-by-case basis. Sometimes one more chance is all that might be needed.
- 10. When/what factors do you consider when changing the goal of the case plan?**
- Judge Aponte: The best interests of the children. Have reasonable efforts been made and is the goal attainable? What is the compliance level of the parents?
 - Judge Martinez-Scanziani: How long have the children been in care? Covid has impacted many services. If there is an issue with lack of compliance, what is it? Continuances by the State contribute to the length of time children have been in care.

11. What has been your experience so far?

- a. Judge Martinez-Scanziani: Dependency is a very difficult division for a new judge. Chapter 39 is a very complex area of the law, and it is a new area for most judges. I absolutely love it. I am a fish in water, and it's a privilege to me. I'm here to serve and want to stay in dependency.
- b. Judge Aponte: It's a hard division to start in as a new judge. It can be mentally overwhelming--good, hard, and stressful. Basically, everything you experience in a new job.

12. Recommendations for us to be great advocates?

- a. Judge Aponte: I have the best interest of the child in mind.
- b. Judge Martinez-Scanziani: Think outside of the box, and be forward thinking. Identify potential issues, even if they haven't come up yet. You are the safety net!!

Additional comments & recommendations:

- **Rita Ugarte:** Be prepared!! You may be asked a question you weren't expecting, but you may be exactly the person who knows.
- **Lynn Misset:** Have your camera on and make sure your name/GAL is on the bottom. Make sure you announce you are present. If you can attend the hearing, please do so!!
- **Judge Martinez-Scanziani:** I will call a case out of turn if it is necessary in order to have the GAL appear. In the near future, I will also be staggering hearings to minimize some of the waiting time.