**ADMINISTRATIVE ORDER**

Media, Cameras and Audio Recording in the Hearing Room A-1-17

 Media Notification – Requested Coverage of Hearing Proceedings

Effective: October 30, 2017

No media, cameras or audio recording equipment shall be allowed in the hearing room unless coverage of any events, proceedings or hearings has been authorized pursuant to this order. The Chief Administrative Hearing Officer of the Division of Administrative Hearings and the Hearing Officers of the Division of Administrative Hearings are authorized to consider media, camera and recording coverage, and to permit it in their sole discretion if the integrity of the hearing proceedings will not be adversely affected and confidential information made confidential by statute, policy, Administrative Order or rule is not disclosed and/or is otherwise protected from disclosure.

 **I. HEARING PROCEEDINGS**

1. **PRE-HEARING CONFERENCES**
2. Media, cameras and audio recording coverage are not allowed in pre-hearing conferences.
3. **HEARINGS**
4. Media, cameras and audio recording coverage are allowed in hearings with prior approval as described above except in the following circumstances:
5. Child abuse and neglect substantiation hearings;
6. Adult protective abuse and neglect hearings;
7. Hearings closed to the public by statute, rule, or order.
8. Notwithstanding (1) above, the following nonparty persons may elect to have their appearance or testimony excluded from coverage:
9. any person who has a visually or audibly detectable physical or mental handicap or disability; and
10. any person who is the alleged victim of abuse and/or neglect that is the subject matter of the hearing.
11. There shall be no media, camera coverage or audio recording of any conferences among the Hearing Officer, representatives, clients, or witnesses.
12. **METHODS OF COVERAGE**
13. The Hearing Officer has the authority to regulate the kinds, number, and location of audio and visual recording equipment and the number and location of media and recording personnel within the hearing room. Noncompliance with this order or any order of the Hearing Officer is grounds for exclusion from the hearing.
14. Notification of coverage shall be made to the Division of Administrative Hearings in writing.
15. Notification of coverage shall include a description of the type of coverage and a statement that the personnel who will be present in the hearing room are familiar with this Administrative Order.
16. Notification may be made by filing the written notification directly with the Division of Administrative Hearings, by e-mail or by facsimile transmission, but not by telephone.
17. The Division of Administrative Hearings shall immediately inform the Chief Administrative Hearing Officer.
18. Written notification shall be submitted sufficiently in advance so as not to delay proceedings. Despite the absence of the required notice, the Chief Administrative Hearing officer may permit coverage in appropriate circumstances.
19. No direct public expense is to be incurred for equipment, wiring, or personnel needed to provide coverage.
20. Recording personnel shall adhere to standards of conduct that are generally required in a courtroom where matters of importance and serious concern are transacted. Recording personnel should not make distracting sounds or movements and must remain with their equipment while the hearing is in session, unless it is operated remotely or the operator is excused by the Hearing Officer. Recording personnel shall wear appropriate and neat attire consistent with participation in matters of serious concern. Neither the camera nor the recording personnel shall have any insignia or other indication of organizational affiliation.
21. The location of recording personnel and their equipment is subject to the approval of the Hearing Officer. Hearing Officers and recording personnel are encouraged to plan in advance for a standard or usual placement of cameras and recording equipment for various types of proceedings in individual hearing rooms. Recording personnel shall provide their own equipment and shall not use, alter, adapt, or otherwise interfere with any hearing room equipment or facility. Other than light sources already existing in the hearing room, no artificial lighting device of any kind shall be employed in the hearing room.
22. Whenever the Division of Administrative Hearings cannot accommodate all requests for the presence of cameras and recording equipment, the groups covering a proceeding may be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the media. Pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material, and selection of a pool representative. The Hearing Officer shall not be called upon to mediate or resolve any dispute as to such arrangements.

**II.** **REVIEW**

1. The Chief Administrative Hearing Officer or the assigned Hearing Officer has the sole discretion to approve or deny coverage pursuant to these rules. When a request for coverage is approved or denied, the Chief Administrative Hearing Officer or the Hearing Officer may entertain a request for reconsideration. The Chief Administrative Hearing Officer or the Hearing Officer are not required to make findings of fact or conclusions of law regarding any ruling on a request for reconsideration.
2. An order granting, denying, or regulating coverage in whole or in part shall not be reviewable in any court, except at the instance of the parties to the proceeding as a claim of prejudicial error in the normal course of appellate review as otherwise provided by law.

For the Division of Administrative Hearings,

James D. Bivins, Chief Administrative Hearing Officer