

HOW TO SCHEDULE A HEARING BEFORE THE CLEARWATER GENERAL MAGISTRATE (FOR SELF-REPRESENTED PARTIES)

WHAT YOU NEED TO KNOW BEFORE YOU CAN SET YOUR COURT HEARING:

The following information is not intended to substitute for legal advice. Only a licensed attorney may provide legal advice.

Anyone who is self-represented (representing yourself in court without an attorney, previously referred to as pro se) is subject to the same rules of procedure as an attorney. For that reason, you need to be familiar with [Rule 12.490, Florida Family Law Rules of Procedure](#), which governs proceedings before General Magistrates, and any other appropriate Florida Family Law Rules of Procedure. This is important because it is **YOUR** responsibility to ensure that you have filed **ALL** the paperwork necessary for your hearing, **BEFORE** you can request for a hearing.

The court, court employees, and Clerk of Court employees cannot give you legal advice. If you are unsure about how to proceed, you are encouraged to seek advice from a lawyer. The Clerk's Legal Self Help Center (727-582-7941) can give you limited information about free or low-cost options for speaking with an attorney.

The "party" or "parties" to your case are you and the other person in your case (i.e. your spouse, former spouse, or other parent of your child). Occasionally, the Department of Revenue located on Ulmerton Road in Largo (mailing address: PO BOX 3342 St. Petersburg FL 33731) is also a "party" to your case. Generally, all parties to your case **must** receive copies of any documents (except SS#) you file with the court.

All parties must be notified of any hearings you set with the court.

If the **other party** in your case has an attorney, you **must** provide that attorney's name, address, and telephone number on all motions, petitions and/or notices of hearing you file with the courts.

If you are the person who has filed the Motion or Petition. It is your responsibility the other party to your case receives a copy of your motion or petition.

If you filed a **Petition**, you must have the other party served with a copy of the petition by the sheriff in the county where he/she lives, or by a private process server.

If you filed a **Motion**, among your options for ensuring that the other party gets a copy of the motion are the following: hand delivery directly to the other party (not someone else), regular mail, certified mail with return receipt, or service by the sheriff or private process server.

The best proof that the other person received a copy is always a **"Return of Service"** that will be furnished to you if you have the person served by the sheriff or private process server.

WHEN YOU GET TO THE HEARING, IF THE GENERAL MAGISTRATE IS NOT SATISFIED THAT THE OTHER PARTY WAS SERVED IN A WAY THAT ENSURES HE/SHE

**HAS A COPY OF YOUR PETITION OR MOTION, THE GENERAL MAGISTRATE MIGHT
POSTPONE OR CANCEL YOUR HEARING.**

PROCEDURAL REQUIREMENTS:

Please review [Rule 12.490, Florida Family Law Rules of Procedure](#), which governs General Magistrate proceedings, as well as other appropriate procedural rules.

A pro se litigant acts as his/her own attorney and is subject to the same procedural rules as a member of the bar.

A Family Law General Magistrate generally is unable to handle emergency matters, matters involving criminal contempt, or child support issues if the Florida Department of Revenue is a party to that part of the case.

In a divorce case (with minor children) or paternity action, the required Parent Education and Family Stabilization Course must be completed and course certificate filed with the court by both parents prior to the hearing. The Petitioner **MUST** complete this before a hearing is set.

In cases involving financial relief (initial or modified orders of alimony or child support, distribution of assets and debts, etc.), both parties are required to comply with the requirements of [Rule 12.285, Fla. Fam. L. R. P.](#), regarding filing and exchange of financial information. If a party in the case has not complied with mandatory financial disclosure, this should be addressed before the final hearing.

If you are certain that you have filed all the correct and completed paperwork, then you are now ready to ask for your case to be scheduled for a hearing.

PLEASE NOTE: UPON CALLING THE FAMILY LAW DIVISION STAFF, IF THERE ARE CONTESTED ACTIONS WITHIN YOUR CASE, YOU MAY BE REQUIRED TO ATTEMPT MEDIATION BEFORE A CASE MAY BE SET WITH THE GENERAL MAGISTRATE.

TO SCHEDULE YOUR HEARING:

Call the **Family Law Information and Resource Center (727) 582-7200** and ask if your case is ready for hearing. **Please have your case number, paper and pencil ready.**

PLEASE FOLLOW THEIR DIRECTIONS CAREFULLY.

Staff at the Information and Resource Center will give you procedural advice regarding the last two forms that you will need to fill out in order for your case to be heard by the General Magistrate.

Again, they cannot give you legal advice. If you require legal advice please speak with an attorney or the Clerk's Self Help Center.

If either party does not speak and understand English well, the party who requested the hearing must call **(727) 453-7177** or visit <http://www.jud6.org/LegalCommunity/Interpreters.html> to arrange a court-certified/qualified interpreter to be present for the hearing.

Friends and relatives will not be allowed to provide language interpretation.

THE MOVING/PETITIONING PARTY:

1. If the hearing you are scheduling is a final hearing on a Petition or a Supplemental Petition you must use the forms titled:

Notice that Action is at Issue/Order Setting Non-Jury Trial/Final Hearing (available at <http://www.jud6.org/GeneralPublic/RepresentingYourselfInCourt.html>)

and **Order of Referral to General Magistrate** (Florida Family Law Rules of Procedure Form 12.920(b))

2. If the hearing you are scheduling is for a child support only issue (where Department of Revenue is NOT a party), please use the form titled:

Notice of Hearing before Child Support Hearing Officer (Florida Family Law Rules of Procedure Form 12.921)

3. If the hearing you are scheduling is for any other issues please use the forms titled:

Order of Referral to General Magistrate (Florida Family Law Rules of Procedure Form 12.920(b))

and **Notice of Hearing before General Magistrate** (Florida Family Law Rules of Procedure Form 12.920(c))

PLEASE BE SURE TO SEND FORMS TO THE APPROPRIATE VENUE:

SECTIONS 9, 12, 17 and 24 must be set in front of the **ST. PETERSBURG GENERAL MAGISTRATE**.
PAPERWORK MUST BE MAILED TO: 501 FIRST AVE N, RM A220, ST. PETERSBURG, FL 33701

SECTIONS 14, 22, 23 and 25 must be set in front of the **CLEARWATER GENERAL MAGISTRATE**.
PAPERWORK MUST BE MAILED TO: 315 COURT STREET, RM 438, CLEARWATER, FL 33756

Notification of the date, time, and place of your hearing will be mailed to both you and the other party by the General Magistrate's Office in the **postage-paid pre-addressed envelopes you provide**. The only address the court has for the other party is the address you provide on the Notice of Hearing form in this packet. An accurate address is very important because the other party has the same right to be heard at the hearing that you have. **When you get to the hearing, the General Magistrate is not satisfied that the other person's Notice went to the right address, the General Magistrate might postpone or cancel your hearing.** (If the address you gave was not the correct address, you may be able to remedy the situation by making a copy of your notice of hearing and immediately mailing it to the other party's correct address and filing a copy with the Clerk's office.)

Please have all forms Party information and case number filled out appropriately.

PLEASE NOTE: INCOMPLETE OR BLANK HEARING FORMS MAY CAUSE DELAY OR FAILURE TO SET HEARING AND MAY BE DISCARDED OR MAILED BACK TO THE REQUESTOR.

Your final step: Once you have completed the appropriate forms, you will need 2 stamped, standard business size envelopes (one addressed to yourself, one addressed to the other party). Take your completed forms and the envelopes and **drop them off at or mail** them to the appropriate address above. When the hearing has been set, you and the other party will receive the date and time of your hearing in the mail.

Telephonic Appearance: There is no set policy for telephonic appearance; each request is handled on a case by case basis. Please do not wait until the last minute to make your request for telephonic appearance. Note, that the Petitioner or moving party **must** appear in person for Final Hearings.