

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

*****As of October 1, 2018, all agreed Orders are to be submitted through JAWS per the directive of the Florida Supreme Court*****

ALL attorneys handling a case in Section 23 should affiliate themselves with their case on the Judicial Automated Workflow System (JAWS) – AND add in the known e-mail addresses for the opposing parties (or opposing counsel if represented), as the Judge prefers (whenever possible) to render orders electronically via JAWS

TABLE OF CONTENTS

General Information	2
Courtroom Conduct and Behavior	3
Digital Recording / Court Reporters	4
E-service (service by e-mail) on a self-represented party	4
If you do not have a lawyer	5
Florida Family Law Rules of Procedure	5
Florida Rules of Judicial Administration	6
Family Law Forms	6
Florida Statutes	6
Mediation	6
Notice of Final Disposition	7
Parenting Class	7
Proposed Orders	7
JAWS (Judicial Automated Workflow System)	11
Communication with the Court	12
Matters NOT Requiring a Hearing	13
Motions to Compel Without Hearing	13
Motions to Permit Telephonic Appearance	14
Substitution of Counsel	14
Withdrawal of Counsel	14
Motion Practice – Generally	15
Courtesy Copies of Documents	15
Cross Noticing / Piggybacking	15
Notices of Hearing	15
Telephonic Appearances for Non-Evidentiary Hearings of 15 minutes or less	16
Telephonic Appearances for Evidentiary Hearings	16
Scheduling	17

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

Specific Hearings & Motions	17
Adoptions / Name Changes	17
Attorney's Fees	17
Case Management Conferences	18
Emergency Motions	18
Motion for Civil Contempt/Enforcement (of support)	19
Motion to Compel Discovery	19
Motion to Withdraw	20
Relocation	20
Temporary Relief	21
Uncontested Final Hearings	21
Pre-Trial Conferences	21
Trials	22

General Information

Mailing Address:
315 Court Street, Room 484
Clearwater, FL 33756

Section Email Address:
section23@jud6.org

Office Hours Monday – Friday, 9:00 a.m. until 5:00 p.m.
 The office is closed for lunch from NOON until 1:00 p.m.

It is expected that all parties and attorneys will adhere to local Administrative Order No.: [2015-052 PA/PI-CIR](#) re: Professionalism Committee and Standards of Professional Courtesy – with self-represented parties afforded the same professional courtesies as attorneys.

All lawyers are expected to read and follow the Florida Bar Family Section's recently updated "[Bounds of Advocacy](#)" that can be found through this link, or the www.familylawfla.org website.

Courtroom Conduct and Behavior: All courtroom proceedings shall be conducted with dignity, decorum, courtesy and civility. In an effort to insure same, the parties (and counsel) should abide by the following guidelines to assist you in meeting appropriate standards of conduct when you appear in court:

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

1. Dress appropriately. Court business is important. Show respect for the court by dressing appropriately and wearing clean clothes. Coats, ties, suits and dresses are welcome but not required by the parties. Shorts, t-shirts, tank or halter tops, undershirts (as outerwear), and caps or hats are not appropriate and should not be worn to court.

2. Be truthful in all statements that you make to the court. False statements under oath constitute perjury which is a criminal offense.

3. Be courteous. Other than to make appropriate objections, do not interrupt anyone whom is speaking. If you are representing yourself and you have an objection to something a witness says, merely say "Objection" and the court will allow you to state the nature/basis of your objection.

4. A court proceeding is not a free-for-all where anyone can say whatever they want whenever they feel like it. A party whom is called as a witness must answer only the question asked and may not volunteer information or make argument while testifying. **Do NOT interrupt a Judge when s/he is speaking.** Interruptions will not be tolerated and may be sanctioned by the Court. Do not start an argument with, or threaten, anyone.

5. Treat all court personnel with respect, including bailiffs, judicial assistants, clerks, court investigators, judges, general magistrates, and hearing officers.

6. Do not make faces or gestures at the opposing party, his/her attorney, witnesses, or the judge while in the courtroom. The manner in which you conduct yourself will likely impact the way in which you are perceived by the court and may affect the outcome of your hearing/case.

7. Do not bring children to the courthouse (except in adoption cases), unless the court has so ordered. Pursuant to Rule 12.407, Fla. Fam. L. R. P. no minor child(ren) shall be deposed or brought to court without prior order of the court.

8. Be aware that witnesses you bring to court are not usually permitted to remain in the courtroom while the case is being hearing, until that witness has completed their testimony before the court.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

9. Bring at least four (4) copies of any documents (including photographs) that you intend to offer into evidence to the hearing, as well as any case law upon which you are relying. All documents should be pre-marked with the case number, name, the date, and a space for the judge to admit the document into evidence – and should have all “sensitive” information redacted in accordance with the requirements of Rule 2.425, Fla. R. Jud. Admin.

10. A “self-represented” party (also known as a “pro se” litigant, or “a party without a lawyer”) should be afforded the same courtesies by an attorney as would be given to another attorney in scheduling hearings, depositions, and other matters, as well as in the review of any proposed order(s) prior to submission to the Court whenever possible. By that same token, a “self-represented” party is not entitled to special treatment or privileges and must follow the same Rules of Procedure and ethical regulations that govern lawyers in their practice in Section 23.

Digital Recording / Court Reporters: A digital court reporter is *only* provided by the Court for domestic violence hearings. The Court does not provide a court reporter or digital recording for any other proceeding and it is the responsibility of the party desiring such reporting to arrange for a Court Reporter to be present for whatever hearing they believe a Court Reporter is necessary, and to be responsible for the payment for the court reporter’s services (subject to later reallocation by the court if an appropriate motion seeking same is filed, set for hearing and ruled upon by the court). A list of Court approved court reporters, as well as information on how to obtain a transcript from a digitally recorded proceeding can be found on the left side of the www.jud6.org website under “Court Reporting”.

E-service (service by e-mail) on a self-represented party: Attorneys are reminded that while a self-represented party may provide an opposing counsel with an e-mail address for communication and coordination of scheduling matters, unless the self-represented party affirmatively “opts in” to the use of **Service by Electronic Mail (“e-mail”)** pursuant to Rule 2.516(b)(1)(C), Fla. R. Jud. Admin., that certifying service of any filing with the Court (including Notices of Hearing, Motions, etc..) upon the self-represented party merely via e-mail alone will **not** suffice and service upon the self-represented party must be made in accordance with Rule 2.516(b)(2), Fla. R. Jud. Admin.

If you do not have a lawyer: Please read these preferences carefully as they are intended to answer many basic questions and inform you on how (and when) to contact the Judge’s office to schedule hearings, and how your case will be handled in this section.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

The Judicial Assistant CANNOT answer your legal questions, and will not explain your situation to the Judge. Your opportunity to speak to the Judge happens in Court only. Although not expected to be as skilled and knowledgeable as lawyers, all “self-represented” parties (also known as “pro se” litigants) are nevertheless subject to all laws and Rules of Court procedure that apply to a lawyer. Judges, and their assistants, are forbidden from giving any advice or help to unrepresented parties. Judges, and their assistants, must remain neutral and impartial. **A self-represented party is authorized to contact the Judge’s office in the same manner as an attorney’s office as set forth in these preferences.** Personal visits to the Judge’s chambers are discouraged as it disrupts hearings and other work being done, leads to concerns about improper *ex parte* communications, and causes an increased burden upon courthouse security.

The Clerk of Court has a Self Help Program for self-represented litigants in the Clearwater Courthouse, phone (727) 464-5150, 315 Court Street, Clearwater, FL 33756. The program staff are not the lawyer for the self-represented party, nor are they legal advisors or secretarial services for the self-represented party.

Gulfcoast Legal Services can be reached at (727) 443-0657 in Clearwater and (727) 821-0726 in St. Petersburg.

Bay Area Legal Services is available at (800) 625-2257.

Community Law Program in St. Petersburg can be reached at (727) 582-7480.

Lawyer referral services can be contacted through the following local bar associations:

Clearwater Bar Association	(727) 461-4880
St. Petersburg Bar Association	(727) 821-5450

Florida Family Law Rules of Procedure: Since March 16, 2017 stand-alone Family Law rules have been in effect, which no longer refer back to the Florida Rules of Civil Procedure. Parties appearing in Section 23 should be familiar with the governing Family Law Rules of Procedure which may be found here: [Florida Family Law Rules of Procedure](#)

Florida Rules of Judicial Administration: In addition to the Florida Family Law Rules of Procedure, numerous matters – such as how deadlines are calculated, how an attorney appears in or withdraws from a case, how service (or e-service) is effected, what information is “sensitive” or “confidential” and must be redacted (or is permitted to be filed with the Court) – are addressed in the [Florida Rules of Judicial Administration](#) so parties (and Counsel) appearing in Section 23 should be familiar with these rules.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

Family Law Forms: The Florida Supreme Court has approved numerous forms for use in Family Law proceedings, which may be purchased through the Clerk of the Court, or downloaded at no cost from the State Court website: <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/family-courts/family-law-forms.stml>. In addition, the Sixth Judicial Circuit has a number of [Locally Approved Individual Forms](#) which may be found on the www.jud6.org website under “Representing Yourself in Court”

Florida Statutes: All parties and counsel appearing in Section 23 should be familiar with whatever provision(s) of the [Florida Statutes](#) which pertain to your case.

Mediation: Pursuant to local Administrative Order No.: [2011-006 PA/PI-CIR](#) all post judgment matters **and** temporary support matters are automatically referred to mediation prior to a hearing on the matter. In addition in Section 23, **ALL** matters – whether initial, supplemental, temporary or final - including all issues seeking to establish and/or modify parental responsibility, time-sharing and/or support issues (other than actions only seeking enforcement/contempt) shall be referred to and attend mediation in a good faith attempt to resolve the disputed issue without need of court intervention before hearing time will be allocated to the parties upon the pending matter/motion.

If the opposing party has not yet filed their required Financial Affidavit with the court, the party requesting a referral for mediation may complete and file an [Affidavit for Establishing Mediation Fees](#) to assist in determining if the parties qualify for assignment of a mediator at a reduced cost through the Circuit’s Family Mediation Services program.

The following hearings may be scheduled without prior mediation: civil contempt or enforcement of support; discovery related issues (seeking to compel production, objections to discovery/interrogatories, etc.); motions directed to the pleadings (seeking to amend, strike, default, dismiss, set aside, etc.); uncontested matters (name change, dissolution, etc.); and where the Court has entered an order allowing an exception based upon a hardship, emergency or other exigent circumstances pursuant to a written motion filed with the Court.

Notice of Final Disposition: It is the responsibility of the party providing the proposed order/final judgment (or the moving party if the Court is drafting the order/final judgment) to draft and file the Notice of Final Disposition with the Clerk of the Court upon entry of the order/final judgment disposing of the matters pending before the Court.

Parenting Class: In all cases involving the initial establishment/determination of Parental Responsibility and Timesharing of minor children, the parties are each required to attend a 4-

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

hour Parenting Class and file a certificate of completion of the course with the Clerk of the Court prior to the entry of the Final Judgment. Pursuant to § 61.21(5), Fla. Stat. all parties are required to complete the parenting class as expeditiously as possible, and unless excused by the Court the Petitioner must complete the course within 45 days after the filing of the initial petition and the Respondent must complete the course within 45 days of receiving service of process of the initial petition (or 45 days of adjudication of paternity).

Unless permitted by Court order rendered after the filing of an appropriate motion, each party is required to attend the course **in person**. A list of providers of the [Required Courses for Parents](#) may be found through this link, or on the www.jud6.org website under “Self Representation”

Proposed Orders: Attorneys should upload ALL agreed upon Orders on JAWS in .pdf format in the Work Queue for the Judge’s signature. It is the responsibility of the attorney uploading the order for entry to review and ensure that all other parties to the case entitled to receive a copy of the order are affiliated with the case on JAWS such that the electronically conformed order will be sent to all parties AND if the opposing party is not represented by an attorney and has not otherwise consented to receive the order solely by e-mail, then the attorney uploading the proposed order must either:

- (1) Serve a copy of the electronically conformed order upon the self-represented party in accordance with Rule 2.516(b)(2), Fla. R. Jud. Admin. within one (1) business day of rendition of the electronically conformed order, **and** to file a “Certificate of Service” with the Clerk (or similar document) detailing how and when a copy of the electronically conformed order has been sent to the self-represented party; **OR**
- (2) Reflect that the order is being sent to the self-represented party by e-mail though JAWS **and** via regular U.S. Mail (including the address for the party to receive the mail) **and** provide the Court **prior to uploading the order on JAWS** with appropriately addressed and stamped envelope(s) for distribution to all parties who will be receiving the order by U.S. Mail.

For specific information about uploading an agreed upon order in JAWS, please see that section of these preferences for more information.

If the form/substance of an order is not agreed upon, then it may not be uploaded on JAWS for consideration. Instead the proposed order should be submitted to the Court in WORD formatting via e-mail to section23@jud6.org, so that the Judge may adjust the language of the

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

order (as discussed further in these preferences below) and ultimately render the order for distribution on JAWS.

Submission of proposed orders by paper / hard copies by attorneys is discouraged, and may lead to delayed consideration and/or entry of the proposed order.

Self-represented parties may submit agreed upon orders (where all parties have agreed to both the form and substance of the order – ideally demonstrated by having each party’s signature reflected on the agreed upon order) by either:

- (1) IF THE AGREED UPON ORDER REFLECTS ALL PARTIES AGREE TO RECEIVE ELECTRONICALLY CONFORMED COPIES BY E-MAIL, INCLUDING AN E-MAIL ADDRESS FOR EACH PARTY, WITH NO COPIES SENT BY U.S. MAIL: Scanning and sending a .pdf copy of the agreed upon order to the Judge’s office by e-mail to section23@jud6.org (making sure to copy all parties to the case on the e-mail AND include a statement in the e-mail that you are remitting an agreed upon order for entry by the Court). The Court will then sign the order, file the original with the Clerk and the parties will receive electronically conformed copies (only) by email or JAWS; **OR**
- (2) In paper form, by regular U.S. Mail, with an appropriate cover letter detailing all parties agreement to the proposed order, with sufficient stamped and properly addressed envelopes for distribution of the conformed copies by U.S. Mail

All proposed order should adhere to the following guidelines:

1. All proposed orders should be accompanied by a cover letter indicating if the parties are in agreement to the form and substance of the proposed order. **The Court DOES NOT hold orders pending objections** so the cover letter must indicate when and how the proposed order was sent to the opposing party (or counsel if represented) for review and either indicate the opposing party’s agreement to the proposed order as written, the objections relayed by the opposing party (as set forth more in-depth below), or that at least five (5) days have passed since the proposed order was sent to the opposing party and no objections have been received **before the proposed order is submitted to the Court for consideration.**
2. All proposed orders should be typed in 12-point, Times New Roman font and in Word formatting (97-2003 preferred).
3. If a party is assigned to draft a proposed order from the hearing, it should

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

be remitted to the court within twenty (20) days at most. This time limit provides the drafting party for 10 days to complete the draft of the proposed order and provide a copy to the opposing party for review. The reviewing party has five (5) days to review the proposed order and advise the drafter of any disagreements / objections to the proposed order. **A party may not object to a proposed order because they disagree with the ruling of the Court – objections to proposed orders should be limited to ensuring that the proposed order accurately reflects the Court’s ruling.** If there are no disagreements, the proposed order should be converted to a .pdf format and uploaded on JAWS for entry.

4. If a reviewing party has an objection to the proposed order, they are responsible for conveying that objection to the drafting party and providing alternate proposed language for the portion of the proposed order with which they disagree within two (2) days of informing the drafting party of their objection. The parties shall cooperate to attempt to resolve the differences on the language in the order, such that if the same cannot be agreed upon within the 20 day window, the drafting party shall send an e-mail to the Judicial Assistant (copying all parties) with the words **DISPUTED PROPOSED ORDER** in the subject line, and should include a cover letter detailing the disputed provisions of the order (.pdf formatted) which includes the date of the hearing from which the order stems, and attach to the e-mail the Word form of the proposed order (including any language changes which have been agreed upon amongst the parties) as well as a Word form of the alternate language proposed by the objecting / reviewing party. In certain cases it may expedite the Court’s review if the disputed language is highlighted. The Court will thereafter review the proposed order and alternate language, and will revise the proposed order as the Court deems appropriate (if necessary) and will either render an ultimate order on JAWS or may issue an order on JAWS setting a Case Management Conference to resolve disputed language / order issues.

5. As detailed above, the Court **DOES NOT** hold orders pending objections. **Do NOT call the Court or send only a letter / e-mail to the Court objecting to a proposed order.** The objection must be timely remitted to the drafting party and any objection should include a statement of the specific objection and include a **WORD** form version of the alternate proposed language for any objectionable provision/language.

6. Proposed Orders should **NOT** contain blanks for the Judge to fill in – other than the date and line for the Judge’s signature.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

7. Proposed orders should not be submitted to the Court which contain only DONE AND ORDERED and/or the Judge's signature on the last page. Some part of the body of the Order shall accompany the Judge's signature block.

8. The Judge will change any language or amounts in the proposed order that s/he does not find appropriate.

9. Do NOT send unsigned proposed Orders to the Clerk of the Court.

10. Income Deduction Orders / Income Withholding Orders should be remitted contemporaneous with the relevant Order / Final Judgment. In drafting the Income Withholding Order please be mindful that "retroactive" support is not "past due" support, and be sure to double check your math to account for the Clerk's fees when completing the alternate payment frequencies. It is acceptable to indicate the Income Withholding Order applies to "All payors and/or employers" and then put "TBD by payor/employer" regarding all payor/employer specific information blanks on the Income Withholding Order form.

11. All "child support orders" – including Final Judgments of Dissolution of Marriage, etc., SHALL (must) include the "full name and date of birth of each minor child who is the subject of the child support order" pursuant to § 61.13(1)(d)1, Fla. Stat. Rules 2.425(b)(4), and (5), Fla. R. Jud. Admin. provides for an exception to the redaction requirements of this sensitive information which would otherwise be required to be minimized under Rule 2.425(a), Fla. R. Jud. Admin.

12. Do NOT send the same proposed order in multiple ways (e.g. do not send a copy by U.S. Mail and by e-mail and/or uploading on JAWS) as this may lead to confusion and/or entry of multiple orders addressing the same matters.

13. If an order is to be sent to a party, or parties, via U.S. Mail, it is the responsibility of the party providing the proposed order to provide the Court with sufficient stamped, self-addressed business size envelopes for distribution. If sufficient stamped, self-addressed business size envelopes are not provided the order may be rendered to, and filed with, the Clerk without copies being distributed and counsel may obtain any necessary copies from the Clerk of the Court at their own expense.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

JAWS (Judicial Automated Workflow System)

ALL attorneys handling cases in this section should affiliate themselves with their cases in Section 14 on the Judicial Automated Workflow System (JAWS) **AND add in the known e-mail addresses for the opposing parties (or opposing counsel if represented)**, as the Judge prefers (whenever possible) to render orders electronically via JAWS.

The website is https://jawspinellas.jud6.org/jaws_attorney/login.aspx which includes links to [register new user account\(s\)](#) and [instructions](#) on how to use JAWS.

At the current time self-represented parties are not able to affiliate themselves with their cases on JAWS nor schedule hearing times through JAWS. The Circuit is working to enable such access and these preferences will be updated when that occurs.

Agreed upon Orders should be uploaded on JAWS in .pdf format in the Work Queue for the Judge's signature. If the form/substance of an order is not agreed upon, then it may not be uploaded on JAWS for entry by the Court. **A party may not object to a proposed order because they disagree with the ruling of the Court – objections to proposed orders should be limited to insuring that the proposed order accurately reflects the Court's ruling.** In order to be approved by electronic signing, the party uploading the proposed order should comply with the following:

1. Include a cover letter which expressly states that the opposing side(s) have reviewed and approved the form and substance of the proposed order OR specifying the date and manner in which the proposed order was sent to the other side(s) and certifying that the opposing side(s) failed to respond with any objections to the proposed order within five (5) days of being provided with the proposed order for review. The Court does **not** hold orders pending objections. **Failure to include a cover letter and/or certify same in the cover letter will result in the rejection of the proposed order.**

2. If the order is the result of a particular hearing, reference the hearing date in the order and cover letter. The Order(s) should contain NO BLANKS for the Judge to fill in other than the date and his signature **and** should be formatted so that there is something of substance on the page requiring the Judge's signature (and not just the DONE AND ORDERED line).

3. Income Deduction Orders / Income Withholding Orders should be uploaded contemporaneously with the relevant Order / Final Judgment, but must be in

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

separate documents for the Judge's signature – so a single cover letter may cover multiple order uploads.

4. Orders approving stipulations must be uploaded with the executed stipulation attached to the proposed order in the signing queue and NOT with the agreement attached to the cover letter.

5. All “child support orders” – including Final Judgments of Dissolution of Marriage, etc., SHALL (must) include the “full name and date of birth of each minor child who is the subject of the child support order” pursuant to § 61.13(1)(d)1, Fla. Stat. As Rule 2.425(b)(4) and (5), Fla. R. Jud. Admin. each provide for exceptions to the redaction requirements of this sensitive information which would otherwise be required to be minimized under Rule 2.425(a), Fla. R. Jud. Admin., **child support orders which only recite the child's initials and year of birth will be rejected.**

6. All orders of withdrawal of an attorney must include the client's last known address, telephone number (including area code) and e-mail address.

Attorneys are reminded that while a self-represented party may provide an opposing counsel with an e-mail address for communication and coordination of scheduling matters, unless the self-represented party affirmatively “opts in” to the use of **Service by Electronic Mail** pursuant to Rule 2.516(b)(1)(C), Fla. R. Jud. Admin., that certifying service of any filing with the Court (including Notices of Hearing, Motions, etc.,) upon the self-represented party merely via e-mail alone will **not** suffice and service upon the self-represented party must be made in accordance with Rule 2.516(b)(2), Fla. R. Jud. Admin. **Accordingly if the opposing party in an action is self-represented and the Attorney uploads a proposed order on JAWS for entry by the Court - IT IS THE RESPONSIBILITY OF THE UPLOADING ATTORNEY TO SEND A COPY OF THE ELECTONICALLY RENDERED ORDER TO THE SELF-REPRESENTED PARTY BY REGULAR U.S. MAIL WITHIN ONE (1) BUSINESS DAY OF RENDITION OF THE ORDER** unless the self-represented party has affirmatively “opted in” to the receipt of e-service in the action.

Communication With the Court

The Judicial Assistant CANNOT answer your legal questions, and will not explain your situation to the Judge. Your opportunity to speak to the Judge happens in Court only.
The preferred form of communication for setting and cancelling hearings are addressed

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

specifically in the “Scheduling” section of these preferences. All other communications can typically be handled by email to our office via section23@jud6.org

Matters NOT Requiring a Hearing

Due to the highly personal and sensitive nature of Family Law proceedings, Section 23 **does not** typically allow for consideration of motions to be decided solely on written submissions as may otherwise be permitted in Civil Divisions pursuant to local Administrative Order [2015-056 PA/PI-CIR](#), other than Motions to Permit Telephonic Appearance as detailed below. Rather, these preferences control what matters may be addressed without need of a hearing in Family Law Division, Section 23.

A matter does not require a hearing and an order may be submitted by uploading an order on JAWS if all parties are in agreement, a stipulation has been signed, or the Court has otherwise permitted in these preferences. The Court requires that all proposed orders contain a cover letter which expressly states that the opposing side(s) have reviewed and approved the form and substance of the proposed order OR specifying the date and manner in which the proposed order was sent to the other side(s) and certifying that the opposing side(s) failed to respond with any objections to the proposed order within five (5) days of being provided with the proposed order for review OR specifying under which provision of these preferences the proposed order may be uploaded without need of same. **Failure to include a cover letter and/or certify same in the cover letter will result in the rejection of the proposed order.**

Some matters that do not require a hearing are as follows:

- Appointment of Special Process Server
- Stipulated Modifications
- Stipulated/Agreed Orders
- Motions for Substitution of Counsel – see below
- Motions to Withdraw (with signed consent from client)-see below

Motions to Compel Without a Hearing: A party may obtain an *EX PARTE* ORDER COMPELLING DISCOVERY without need of a hearing in Section 23 in conjunction with the process approved by local Administrative Order [2017-072 PA/PI-CIR](#) when (1) a Motion to Compel alleges a complete failure to respond or object to discovery, and (2) a request for an extension has not been filed, and (3) the motion alleges that the movant has conferred with the opposing party (or counsel if represented) and has been unable to resolve the dispute or has received no response after a reasonable period of time. No fees or other sanctions may be sought in the *ex parte* motion nor granted in the *ex parte* order. The *ex parte* order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the order. *Please remember to adhere to the instructions set forth above for uploading*

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

proposed orders on JAWS – particularly if one party is not represented by an attorney.

Motions to Permit Telephonic Appearance: No motion, nor order, is necessary for counsel to appear for a non-evidentiary hearing of 15 minutes or less, as detailed in “Motion Practice - Generally: Telephonic Appearances for Non-Evidentiary Hearings of 15 minutes or less” below.

If the parties agree, the Court will allow a party or witness to appear for a proceeding and testify via telephone, pursuant to Rule 2.530(d)(1), Fla. R. Jud. Admin., also without need of the filing of a motion, or rendition of an order permitting same.

In absence of an agreement, the party or witness seeking to appear by telephone **must** comply with the requirements of Rule 12.451, Fla. Fam. L. R. P. (including statements as to the good cause to permit the telephonic appearance, the substance of the proposed testimony, and an estimate of the length of the proposed testimony) by filing an appropriate motion for the Court’s consideration, and the Court **may** consider same without need of any hearing **if** the motion notifies the Court and all parties of the request for consideration upon written submission without need of hearing upon same and complies with the requirements of local Administrative Order [2015-056 PA/PI-CIR](#) by including any legal argument the movant wants the Court to consider. The opposing party/counsel shall have ten (10) days after being served to file their response, argument and legal memorandum with citations of authority in opposition to the requested telephonic appearance. Following the expiration of this ten (10) day period, the Court may rule at any time without further notice or hearing. Interested parties may notify the Court the matter is ripe for decision and request a ruling by an e-mail to section23@jud6.org (copying all parties) which identifies the date the motion was filed, the expiration of the 10 day window, and including a simple proposed form order for the Judge to indicate if the motion is: (1) granted; (2) denied; or (3) set for hearing by the Court to permit further argument before the Court’s ruling upon the motion.

Substitution of Counsel: A proposed Order of Substitution of Counsel may be uploaded for entry on JAWS as set forth above, provided there is an accompanying stipulation including the client’s WRITTEN consent as required by Rule 2.505(e)(2), Fla. R. Jud. Admin.

Proposed orders approving stipulations for substitution of counsel without the written consent of the client will be rejected by the Court.

Withdrawal of Counsel: A proposed Order Granting Motion to Withdraw may be uploaded for entry on JAWS without need of a hearing, so long as written consent by the client is provided and there is no objection to the withdrawal from the opposing party (or counsel if represented). In order for the Court to be able to enter same, the Motion to Withdraw must contain (or attach

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

as an exhibit) the consent from the client, certification of the confirmation of the opposing party's non-objection to the withdrawal and be in compliance with Rule 2.505(f)(1), Fla. R. Jud. Admin. by setting forth the reason for the withdrawal and the client's last known address, telephone number, including area code, and e-mail address. The proposed Order Granting Motion to Withdraw shall not specify any abatement of activity in the case, however it shall (must) recite the client's full contact information as set forth in the motion – and the uploading attorney must affiliate the client's e-mail address with the case on JAWS prior to uploading the proposed order for entry.

Motion Practice – Generally

Courtesy Copies of Documents: The Court has access to an electronic record. The Clerk does not maintain a paper file. Please submit courtesy copies of *Notices of Hearing* and *Notices of Cancellation of Hearing* to the Court via e-mail to the Judicial Assistant at section23@jud6.org. No other documents that have been e-filed (Pre-Trial Memorandum etc.) need to be copied to the Court, unless specifically requested by the Judge. Please remember: if a hearing has been scheduled by a party it may be cancelled only by that party or the Court; if a hearing has been scheduled by the Court it may only be cancelled by order of the Court.

Cross Noticing / Piggybacking: Cross-Noticing a motion upon another party's time is STRICTLY PROHIBITED. If you cross notice, your motion will not be heard, unless agreed to by the court and opposing party and time permits. Additional time will not be permitted to address a cross-noticed/piggybacked motion during a previously scheduled hearing timeblock and the cross-noticed/piggybacked motion will be required to be set for a separate hearing.

Notices of Hearing: All notices of hearing should include a statement indicating the date, time and method of how each party (regardless of if represented by counsel or self-represented) agreed to the scheduling of the hearing and should certify service upon all parties in accordance with Rule 2.516, Fla. R. Jud. Admin.

Due process is a primary concern in all proceedings. In scheduling hearings, the parties are reminded that often a case involves more than two (2) parties – such as when the Florida Department of Revenue is involved, a corporation is involved, or a Guardian Ad Litem has been appointed in the case. Any hearing - unless that party has filed a Notice of Non Participation (or similar filing) in the proceeding regarding the matter being set for hearing - is required to be coordinated with all parties, not just the Petitioner and Respondent, and failure to coordinate the hearing with all parties and notice all parties for the hearing may result in the hearing being cancelled or the Court declining to hear the matter at the date/time scheduled for hearing, absent good cause.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

Please submit courtesy copies of *Notices of Hearing* and *Notices of Cancellation of Hearing* to the Court via e-mail to the Judicial Assistant at section23@jud6.org **AFTER** the notice is filed with the Clerk and served upon all parties in accordance with Rule 2.516, Fla. R. Jud. Admin.

Telephonic Appearances for Non-Evidentiary Hearings of 15 minutes or less: Pursuant to Rule 2.530(c), Fla. R. Jud. Admin., attorneys are allowed to appear telephonically for any non-evidentiary hearing less than 15 minutes in length without prior leave of Court. The *Notice of Hearing* must indicate the attorney's intent to appear by phone and provide the telephone number for the Court to call at the time of the hearing. If multiple hearings are scheduled at the same time (such as on a block UMC docket), the Court will address the parties whom are present in Court first and the telephonic hearing(s) last, so the Court may not call at the exact time the hearing is scheduled. If multiple parties need to appear from various locations by telephone, the scheduling attorney must arrange a conference call and provide the relevant information for participation in the call to the Court and all parties by reciting same in the *Notice of Hearing*. If a non-scheduling attorney wishes to appear by phone and the same is not coordinated in advance with the scheduling attorney, s/he must contact the Judicial Assistant at least three (3) days prior to the hearing.

Telephonic Appearances for Evidentiary Hearings: If the parties agree, the Court will allow a party or witness to appear for a proceeding and testify via telephone, pursuant to Rule 2.530(d)(1), Fla. R. Jud. Admin. In absence of an agreement, the party or witness seeking to appear by telephone must comply with the requirements of Rule 12.451, Fla. Fam. L. R. P. by filing an appropriate motion for the Court's consideration. Motions to Permit Telephonic Appearance may be sought upon written submission, without need of a hearing, as set forth separately in these preferences.

As a general rule the Section 23 Judge is inclined to permit a party or witness to appear in such a virtual fashion if (1) the hearing is brief in nature, (2) the party/witness would be required to travel more than 50 miles to attend the hearing, (3) and the hearing is not one seeking to hold the party/witness in contempt for non-compliance with a prior order of the Court, and (4) there is not good cause why the party or witness should appear in person.

If a party/witness is permitted to appear by phone, the party/witness must have a notary public, or other person authorized to administer an oath in the jurisdiction where the party/witness will physically be, with them at the start of the hearing in order to identify and swear in that party/witness consistent with the laws of that jurisdiction, in accordance with Rule 12.451(d), Fla. Fam. L. R. P.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

Scheduling

Due process is a primary concern in all proceedings. In scheduling hearings, regardless of how the hearing is set, the parties are reminded that often a case involves more than two (2) parties – such as when the Florida Department of Revenue is involved, or if a Guardian Ad Litem has been appointed in the case. Any hearings (unless that party has filed a Notice of Non Participation in the proceeding) is required to be coordinated with that party as well as the principals to the action, and failure to coordinate the hearing with all parties and notice all parties for the hearing may result in the hearing being cancelled or the Court declining to hear the matter at the date/time scheduled for hearing, absent good cause.

The preferred form of communication for setting and cancelling hearings is by e-mail to section23@jud6.org. The following should be included in the email: case number, style of case, type of motion, length of hearing, and who you represent, as well as opposing counsel.

SETTING HEARING TIMES: Motions must be e-filed with the Clerk of the Court and sent to opposing counsel/self-represented party prior to scheduling a hearing.. Motions requiring a hearing time of **one (1) hour or more** require a short case management conference or telephone conference with the Judge. Contact the Judicial Assistant at section23@jud6.org for available times. All hearings must be coordinated with opposing counsel. **Hearing times are not reserved, so please choose several dates when coordinating with opposing counsel because the calendar fills quickly.** Please wait for the Judicial Assistant’s confirmation reply before sending out Notice of Hearing.

Specific Motions & Hearings

Adoptions / Name Changes: Adoption files and Name Changes are reviewed by the Court’s Staff Attorney prior to any final hearings being scheduled. If you believe your case is ready to set for final hearing, e-mail section23@jud6.org with the case number so that we may verify the status with the Staff Attorney. You will be notified by the Staff Attorney if additional documentation is needed; or you will be notified by e-mail from the Judicial Assistant with dates/times available for a final hearing. **All final hearings on adoptions MUST have a court reporter present.** The Court does not provide a court reporter for the proceedings. A list of Court approved court reporters can be found on the left side of the www.jud6.org website under “Court Reporting” or through the following link: [Court Reporters Approved for Assignment in the Sixth Circuit](#)

Attorney’s Fees: Prior to any attorney’s fee hearing, the attorneys should exchange affidavits outlining the reasonable number of hours requested and the reasonable hourly fee. They should

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

also make arrangements to meet prior to the hearing to discuss resolution and allow each other to talk with opposing experts (if applicable). Fee affidavits are sufficient in lieu of expert testimony IF all parties agree to their use. All fee awards must meet the requirement of *Florida Patients' Compensation Funds v. Rowe*, 472 So.2d 1145 (Fla. 1985).

In trials, the Court usually reserves on the issues of both entitlement and amount. Be prepared to have final fee matters referred to mediation following the trial on the merits of the balance of the petition(s). For Attorney's Fees / Costs requests exceeding \$50,000.00, or upon request of a party (or upon the Court's initiative in requests below that threshold) upon scheduling a hearing upon a party's Motion for Award of Attorney's Fees and Taxation of Costs, the Court will enter an Order Setting Final Evidentiary Hearing On Attorney's Fees and Costs; Referring Parties to Mediation on Amount of Fees & Costs; and Establishing Pre-Hearing Requirements setting forth detailed requirements for the consideration of the motion.

Case Management Conferences: Case Management Conferences are encouraged by the Court as a mechanism for differentiated handling of individual cases. The Court may set Case Management Conferences on its own, or at the request of a party, to address matters as set forth in Rule 12.200, Fla. Fam. L. R. P.

Unless otherwise agreed to by the parties in advance, the individual parties are expected to attend the first Case Management Conference in their case in person.

In a Dissolution of Marriage action, at a Case Management Conference, upon request of a party, or upon the Court's own initiative, the jurisdictional testimony may be elicited and an order confirming the jurisdiction of the Court may be entered. If this has been done at a prior stage of the case a final judgment may be submitted without further testimony or appearance by the parties.

Emergency Motions: All Emergency Motions must be filed with the Clerk of Court prior to the Court determining emergency status. It is a good idea to provide the Court with a copy of the motion by e-mail (with the word EMERGENCY included in the subject line) **AFTER** it has been filed with the Clerk of Court, as the Court does not receive motions through the Portal when you check "emergency" and the Clerk does NOT provide copies of all emergency motions to the Court for review upon filing, so if an emergency motion is merely e-filed, the Court will likely not be aware of the filing.

The Court strives to review emergency motions within 24 hours (or 1 business day) of receipt of the Emergency Motion and after reviewing may: enter an order granting the requested relief without notice and setting a return hearing; set an emergency or expedited hearing upon the

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

motion; set an expedited Case Management Conference; allow a hearing to be set and direct the moving party to contact the Judicial Assistant for available dates/times; direct a party to file a written response; deem the matter not an emergency, to be handled in the regular course of business; or take other appropriate action – including admonishing or sanctioning a moving party for improper use and/or abuse of the emergency motion process.

Parties and/or Counsel seeking emergency relief are expected to read, review and be familiar with *Smith v. Crider*, 932 So.2d 393 (Fla. 2nd DCA, 2006), *Loudermilk v. Loudermilk*, 683 So.2d 666 (Fla. 2nd DCA, 2007) and Rule 12.605, Florida Family Law Rules of Procedure, prior to the filing of any request for emergency, expedited and/or *ex parte* relief.

Motion for Civil Contempt/Enforcement (of support): If the only matter pending before the Court is an action seeking to enforce a previously ordered support obligation, the parties do NOT need to attend mediation prior to scheduling a hearing upon the Motion for Civil Contempt/Enforcement. However, if a party has a pending Supplemental Petition to Modify the support obligation which is actively litigated (filed, served, on-going discovery), and a Motion for Civil Contempt/Enforcement regarding the support obligation is subsequently filed by the party opposing the modification of support, the hearing upon the Motion for Civil Contempt/Enforcement (of support) will be deferred and heard at the same time as the final hearing on the Supplemental Petition to Modify, absent exceptional circumstances, and the parties shall therefore mediate both issues at the same time prior to hearing.

The *Notice of Hearing* setting the Motion for Civil Contempt/Enforcement of the support obligation must contain the language required in, and otherwise fully comply with, Rule 12.615, Fla. Fam. L. R. P. if the enforcing party is seeking to invoke the contempt powers of the Court and potentially have the alleged contemnor incarcerated for his/her failure to appear at the hearing and/or his/her failure to pay the previously ordered support obligation - **and** the alleged contemnor must be given notice of the hearing reasonably calculated to apprise him/her of the pendency of the proceedings.

Motion to Compel Discovery: A party may seek an *ex parte* order compelling production of overdue discovery, without seeking any fees or other sanctions, and without need of any hearing upon the motion, provided the motion is sought in accordance with local Administrative Order [2017-072 PA/PI-CIR](#) as set forth in these preferences under “Matters NOT Requiring a Hearing”.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

If the motion does not qualify for *ex parte* consideration (if there has been partial compliance or the movant is seeking fees, etc.), then the party seeking the discovery should file a Motion to Compel Discovery (or similarly titled motion) pursuant to (and in compliance with) Rule 12.380(a)(2), Fla. Fam. L. R. P., and set the same for hearing before the Court – **only after making a good faith effort to obtain the delinquent discovery without the need of Court intervention.**

Motion to Withdraw: If a client, or opposing party, objects to the withdrawal of an attorney, the Motion to Withdraw should be set for hearing during a UMC docket or 15 minute hearing time on the Judge’s calendar. The motion, and the notice setting hearing, must certify service upon the client via regular U.S. Mail (in addition to any e-mail copy provided to the client), and the motion must comply with the provisions Rule 2.505(f)(1), Fla. R. Jud. Admin. by setting forth the reason for the withdrawal and the client’s last known address, telephone number, including area code, and e-mail address. The proposed Order Granting Motion to Withdraw shall not specify any abatement of activity in the case, however it shall (must) recite the client’s full contact information as set forth in the motion.

Relocation: Pursuant to § 61.13001(10), Fla. Stat., the Court affords special accommodation to schedule hearings on relocation requests – both temporary and final – on an expedited basis **provided the moving party has complied with all other requirements for seeking relief INCLUDING WITHOUT LIMITATION THE REQUIREMENT TO SCHEDULE AND ATTEND MEDIATION PRIOR TO SEEKING HEARING TIME WITH THE COURT.** The failure of a party to abide by the strict requirements of the statute, as well as the requirements of the local Administrative Orders and the Practice Preferences of this section SHALL be deemed a waiver of any specific time requirements of the Statute.

If a party is seeking to invoke the statutory provision entitling him/her to an expedited hearing upon the temporary relocation request, then **immediately** upon the filing of the Motion for Temporary Order Granting Relocation with the Clerk of the Court, the moving party shall also file a Motion for Referral to Mediation with the Clerk of the Court, along with an [Affidavit for Establishing Mediation Fees](#) and must provide a copy of both motions to the Judge’s Judicial Assistant via e-mail to section23@jud6.org with EXPED RELO RQST-TEMP in the subject line. Upon receipt of same the Court will render an Order Referring the Parties to Mediation and Scheduling a Case Management Conference. The scheduling of the hearing upon the Motion for Temporary Order Granting Relocation will be coordinated at the Case Management Conference. *It should be understood that the Court will do its best to accommodate the 30-day provision from date of filing in the Florida Statutes if the moving party fully complies with the requirements herein, but circumstances beyond the Court’s control (such as when or how a*

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

party effects initial service of process upon the opposing party, Court holidays, hurricanes, etc.) may impact the ability to strictly comply with same.

If a party is seeking to invoke the statutory provision entitling him/her to an expedited final hearing upon the Petition to Permit Relocation With Minor Child(ren), then **immediately** upon the filing of the Notice For Trial (certifying that the pursuant to Rule 12.440, Fla. Fam. L. R. P. the matter is ripe for and ready to be set for trial), the moving party must provide a copy of the Notice to the Judge's Judicial Assistant via e-mail to section23@jud6.org with EXPED RELO-FINAL RQST in the subject line. Upon receipt of same the Court will render (by JAWS) an Order Scheduling a Case Management Conference, and the Court will manage the scheduling of the case in accordance with Rule 12.200, Fla. Fam. L. R. P. and scheduling a Pre-Trial Conference at the Case Management Conference.

Temporary Relief: For temporary relief matters, ALL temporary motions (i.e. custody, visitation, support, etc.) must be mediated prior to a hearing being held. Once mediation is scheduled, the moving party may schedule a one (1) hour hearing for temporary relief matters to be heard following the scheduled mediation and upon scheduling same, and confirmation of the scheduled hearing by the Judicial Assistant. **Hearing time on the court's calendar on temporary matters will not be reserved until mediation has been scheduled.** Temp hearings should not exceed one (1) hour except under extraordinary circumstances. To expedite hearing, proffers are strongly encouraged.

Uncontested Final Hearings: An uncontested Final Hearing may be scheduled either on the Court's UMC docket or on any 15 minute hearing time. Prior to scheduling an uncontested Final Hearing, the moving party should insure that the following items have been filed with the Clerk of the Court:

- Dissolution of Marriage without children: Financial Affidavit(s) – *if financial relief is being granted by the Court*; Marital Settlement Agreement.
- Dissolution of Marriage with minor children: UCCJEA Affidavit(s); Social Security Number Affidavit(s); Marital Settlement Agreement: Parenting Plan executed by both parties; Certificates of completing Parenting Course by each parent; Financial Affidavit(s); Child Support Guideline Worksheet
- Paternity actions: UCCJEA Affidavit(s); Social Security Number Affidavit(s); Parenting Plan executed by both parties; Certificates of completing Parenting Class by each Parent; Financial Affidavit(s); Child Support Guideline Worksheet

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

Pre-Trial Conferences

A Pre-Trial Conference will be required for any Final Hearing by Non-Jury Trial which is expected to take three (3) hours or more of the Court's time. In most cases a Case Management Conference is necessary to set a Pre-Trial Conference as the Court will enter an Order Setting Pre-Trial Conference which requires the parties to draft and file an appropriate Pre-Trial Memorandum – including exhibits such as a proposed Equitable Distribution Worksheet, Proposed Parenting Plan, Proposed Child Support Guidelines, Witness List, Exhibit List, and other documents - in advance of the Pre-Trial Conference. Accordingly, it is recommended that a party schedule a Case Management Conference pursuant to Rule 12.200, Fla. Fam. L. R. P. after they have filed their Notice for Trial pursuant to Rule 12.440, Fla. Fam. L. R. P. in order to facilitate same.

Pre-Trial Conferences are scheduled for thirty (30) minutes and no motions will be heard at the Pre-Trial Conference without prior approval of the Court. The attorney conducting the trial must attend the Pre-Trial Conference in person, not by telephone. The parties must also attend the Pre-Trial Conference. It is assumed that at a Pre-Trial Conference the case is ready to be tried, there are no pending motions, and all (or virtually all) discovery is completed so the Court may impose discovery deadlines and schedule the Final Hearing by Non-Jury Trial at the Pre-Trial Conference, so the parties and counsel must bring their calendars to the Pre-Trial Conference.

Trials

Courtroom Trials: For trials in a Courtroom, parties/counsel should:

- (1) Request Permission to approach the bench or the to approach the witness; and
- (2) Stand when making objections; and
- (3) Stand when speaking unless the Court allows otherwise; and
- (4) Do not address opposing counsel, witnesses, or parties by their first name or nickname.

In-Chambers Trials: For trials conducted in chambers, parties/counsel should:

- (1) Sit as directed by the bailiff – typically with the attorney in the seat closest to the Judge, the party in the middle chair, and any witness testifying will be sat at the end of the table.
- (2) Remain seated throughout the hearing, including when making objections.

JUDICIAL PRACTICE PREFERENCES FOR FAMILY LAW DIVISION SECTION 23

In General:

- (1) Do not engage in arguments or disputes with opposing counsel, parties, or witnesses; and
- (2) All argument is to be directed to the court and not to opposing counsel; and
- (3) Strive NOT to make “speaking objections.” Announce your “Objection” and provide the basis for your objection upon request from the Court (which should be able to be done in five (5) words or less). The Court will afford the opposing party the opportunity to respond to the objection (if appropriate) and if the Court feels it is necessary, additional argument will be solicited from either side prior to ruling upon the objection.
- (4) ALL evidence is to be copied and exchanged in accordance with the deadlines set forth in the Order Setting Pre-Trial and/or Order Setting Final Hearing by Non-Jury Trial, unless the attorneys/self-represented parties stipulate otherwise. ALL evidence is to be pre-marked in advance of its intended use, with “sensitive information” redacted in accordance with Rule 2.425, Fla. R. Jud. Admin.
- (5) The court will mark exhibits as received into evidence.
- (6) For tangible evidence, show the evidence to opposing counsel before showing the evidence to the Court or to the witness.