

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR MARION COUNTY

Petitioner,

vs.

Case No.: 42-_____

Respondent.

**STANDING FAMILY LAW COURT ORDER
(WITHOUT CHILDREN'S ISSUES)**

It is in the best interest of the parties in a family law case to learn about their duties and responsibilities and that the parties preserve their assets and comply with court rules. This Order is entered for the purpose of economically and expeditiously resolving initial dissolutions of marriage, supplemental proceedings for modification and other proceedings. It is therefore, ORDERED as follows:

1. SERVICE, APPLICATION, AND TERM OF THIS ORDER:

1.1 This Standing Family Law Court Order shall be utilized and complied with immediately upon filing of this action, except in cases where there is a written agreement by the parties to the contrary before or after this order takes effect.

1.2 The Clerk of Court shall docket and provide a copy of this Standing Family Law Court Order to the Petitioner or to Petitioner's counsel at the time the Petitioner files an original or supplemental petition.

1.3 In addition, the Petitioner shall deliver a copy of this Order to the process server to be served on the Respondent with the original petition or supplemental petition.

1.4 This Order is binding on the Petitioner upon the filing of this action and on the Respondent upon service of this order. The party serving the order shall complete a Certificate of Service for Standing Family Law Court Order (see Attachment "A").

1.5 This Order shall not supersede or modify any existing domestic violence injunction or other order by a court having jurisdiction over the parties.

1.6 This Order shall remain in full force and effect until further order of the Court such as the entry of a final judgment, a dismissal of this cause, or until the entry of a subsequent temporary order, whichever shall occur first. This Order does not preclude a Judge from modifying or amending this Order in individual cases where the Judge deems necessary. Any part of this order not changed by a subsequent order shall remain in effect.

2. DISPOSITION OF ASSETS:

Neither party may conceal, damage, or dispose of any asset, whether marital or non-marital, and neither party may dissipate the value of an asset, for example, by adding a mortgage to real estate or by failing to take care of an asset. Neither party may dispose of any asset other than in the customary conduct of business and personal affairs. The parties may spend their incomes in the ordinary course of the personal and family affairs. Neither party may conceal, hoard, or waste jointly owned funds, whether in the form of cash, bank accounts, or other liquid assets, except funds may be spent for the necessities of life. The use of funds or income after separation must be accounted for and justified as reasonable and necessary for the necessities of the party or to preserve marital assets or pay marital debts. Both parties are

accountable for all money or property in their possession during the marriage and after separation. Attorney's fees and costs are necessities and must be accounted for in the calculation of equitable distribution.

3. PERSONAL AND BUSINESS RECORDS/INSURANCE:

Neither party may, directly or indirectly, conceal from the other or destroy any family records, business records, or any records of income, debt, or other obligations. Any insurance policies in effect at the time the petition for dissolution was filed may not be terminated, be allowed to lapse, concealed, modified, borrowed against, pledged, or otherwise encumbered by either of the parties or at the direction of either party. All insurance policies of every kind may not be changed, except by written agreement signed by the parties or order of the court. The parties shall continue to pay all premiums on a timely basis unless there is a written consent by both parties or an order of the court.

4. ADDITIONAL DEBT:

Neither party will incur additional debt which would bind the other party nor tie up any assets, except by written consent of the parties or order of this court. The parties are urged temporarily to stop using joint credit cards, except for absolute necessities and only as a last resort. Joint credit cards may be used only for the necessities of life, and any party using a joint credit card after separation must be prepared to justify all charges as reasonable and necessary for necessities.

5. MEDIATION:

5.1 When an answer is filed in a case and the answer contests any issue in the petition, the parties will be required to seek the services of a Florida Supreme Court Certified mediator to mediate the issues of their case.

5.2 Mediation is an informal and non-adversarial process whereby a neutral third party facilitates a resolution to a dispute between two parties. The objective is to obtain a mutually acceptable and voluntary agreement.

5.3 If the parties cannot agree on the selection of a mediator, upon request of the court, the court will select one for them.

5.4 The mediator and parties shall schedule the mediation conference and within fifteen (15) days of selection or appointment by the court, written notice of the date, time and place of the first mediation conference shall be sent to all parties and the court. Absent good cause, the first mediation conference shall be held within sixty (60) days of the selection of the mediator.

5.5 All parties are required to personally attend the mediation conference and shall be completely prepared to mediate in good faith.

5.6 The parties may be assisted by counsel at the mediation conference; however, if a party is not represented by counsel, the presence of counsel at mediation is not required.

5.7 If a party either fails to appear or cancels a duly noticed mediation conference less than forty-eight (48) hours before, without good cause, the court, upon motion, shall impose sanctions including, but not limited to, an award of mediator and/or attorney's fees.

5.8 The mediator's report shall be submitted to the court within (10) days of completion of mediation.

5.9 Upon motion or request of a party, the court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process.

5.10 Mediation may be waived if a default has been entered.

6. MANDATORY DISCLOSURE:

Both parties must file and exchange financial affidavits and comply with mandatory disclosure pursuant to Florida Family Law Rules of Procedure 12.285.

7. NOTIFICATION OF RELATED CASES:

Attorneys and parties shall notify the court as soon as it becomes evident to them of the existence of any court proceeding in any jurisdiction that may be relevant to the subject matter before the court. A copy of any relevant orders shall be provided to the court. This obligation shall be continuing in nature throughout the proceeding.

8. EMERGENCY MOTIONS:

If either party feels he or she has an "emergency" requiring immediate action, the party or the party's counsel may file a motion for emergency relief and, except in the very limited circumstances provided by law in which notice is not required, concurrently serve a copy on the other party, and deliver or fax a copy to the court. When a matter is filed which is designated by the filer as an "emergency," the clerk of court makes a preliminary review and evaluation, and forwards to the court or brings to the court's attention the emergency motion except in those circumstances in which the motion is clearly not an emergency. After the preliminary review by the clerk of court, the court reviews and decides if the matter is an emergency.

8.1. Except in very limited circumstances, it is always appropriate to attempt to give notice to the other party of any motion for relief or hearings to be had before the Court.

8.2. An emergency that is not a "child" emergency is defined by Fla.R.Civ.P. 1.610(a)(1)(A) is a matter in which "immediate and irreparable injury, loss or damage will result," and for which there is no adequate remedy of law. A written, verified motion providing for ex-parte relief (when the other party is not provided notice of the motion for relief), shall be filed in accordance with Florida Rules of Civil Procedure with a copy provided to the Family Court Judge.

8.3. If a party who is seeking relief is represented by an attorney, the attorney shall provide proposed Orders to the Judge's office, as well as to opposing attorney or unrepresented party.

8.4. Because of the "emergency" nature of the motion, it may be necessary for a judge other than the judge to whom the case is assigned to review the motion. A judge will determine if the facts demonstrate an emergency and whether a hearing should be set on an expedited basis. If a hearing is required, an emergency shall be given priority on the Court's calendar with short notice.

8.5. All emergency motions shall be verified and shall include a certificate by the attorney or pro se litigant that the motion is an emergency as defined herein and under applicable law and that the attorney or pro se litigant is acting in good faith in seeking such relief.

8.6. If the matter is an emergency, but ex parte relief is not requested, or if a hearing is required following the entry of an ex parte order, then an expedited hearing time will be given and the moving party shall serve the other party with the Notice of Hearing and the Motion either by facsimile, email, or as otherwise required or permitted by law, and provide a copy to the court.

9. TEMPORARY HEARINGS:

At any temporary hearing in which there is a disputed issue of alimony or attorney's fees, both parties shall comply with Mandatory Financial Disclosure for temporary relief as required under Florida Family Law Rules of Procedure 12.285(b). Ten (10) days prior to the hearing on a motion for temporary

relief, a party seeking relief shall file a "Notice of Specific Relief Requested" and shall include the amount of alimony and attorney's fees required.

10. CASE MANAGEMENT CONFERENCES:

10.1 A Case Management Conference may be ordered by the court at any time on the court's initiative. A party may request a Case Management Conference thirty (30) days after service of a petition or complaint. Issues addressed in the Conference shall be pursuant to Florida Family Law Rules of Procedure 12.200.

10.2 A fifteen minute pretrial conference shall be scheduled at least thirty (30) days before a final hearing. Twenty (20) days notice shall be given for a pretrial conference. The purpose of the conference shall be for a determination of whether the trial may be simplified or for any other purpose pursuant to Florida Family Law Rules of Procedure 12.200. The Pretrial Statement (See Attachment B) of each party MUST be filed prior to the conference. Failure of counsel or a party to fully and completely comply with this process may result in the imposition of sanctions including, but not limited to, cancellation of the trial date with costs assessed to the offending party, the striking of pleadings, the entry of default, or dismissal of this action.

11. SETTING TRIAL:

11.1 Mediation is required in all cases prior to setting trial unless the court has waived mediation.

11.2 A contested final hearing shall not be scheduled until the mediator's report is filed. Once the mediation report is filed, a trial date and pretrial conference date can be scheduled. The pretrial conference and the final hearing cannot be cancelled by either party. Either party can file a Motion for Continuance and a hearing will be held to determine if the request is valid.

12. PRETRIAL STATEMENT:

12.1 If this case is not resolved by mediation or otherwise, no later than seventy-two (72) hours prior to the time of the pretrial conference for the final hearing, a Pretrial Statement (see Attachment "B") in compliance with the form referenced in this Order shall be filed by each party and a copy delivered to each party and the trial judge.

12.2 The primary purpose of the Pretrial Statement is to provide the court with information for the consideration of a Final Judgment. Any party who applies to the court for a waiver of the Pretrial Statement shall make said application and schedule a hearing on the matter for a date prior to scheduling the trial (final hearing). Exhibits should not be filed with the court, however, must be delivered to the opposing party at the time of delivery of the Pretrial Statement. The purpose of the Pretrial Statement is not to present argument. Issues related to the form or substance of a Pretrial Statement which has been filed will be addressed at the Pretrial Conference or by prior motion.

13. DISCOVERY:

All discovery shall be completed ten (10) days prior to trial and shall be allowed thereafter only upon agreement of counsel and upon showing of good cause. If one party requests the deposition of a witness listed in the Pretrial Statement and the other party does not cooperate in scheduling the same, the Court shall consider any sanctions, including excluding the witness. The parties shall fully comply with disclosure and discovery provisions of the Florida Family Law Rules of Procedure and the applicable Florida Rules of Civil Procedure, unless waived or modified in writing by the parties pursuant to Florida Family Law Rules of Procedure 12.285(a)(1).

14. COURTROOM CONDUCT AND BEHAVIOR

All courtroom proceedings shall be conducted with dignity, decorum, courtesy and civility. A courtroom is not the place for theatrics, melodrama, or any inflammatory conduct.

14.1 **Dress Appropriately.** Court business is very important. People who do not dress or groom properly might give the wrong impression. Their dress and appearance may show a lack of interest in the case or a lack of respect for the court. Judges may ban persons not appropriately dressed.

14.2 **Speaking and talking.** A court proceeding is not a free-for-all where anyone, parties and lawyers alike, can say whatever they want whenever they feel like it.

Parties may not talk unless they are directed by the Judge or a lawyer to speak, and then they may speak only to the Judge or a lawyer. Except when an unrepresented party is permitted to cross-examine or call the other party as a witness, a party must never talk directly to the other party in court. A party who is called as a witness must answer only the questions asked and may not volunteer information or make argument while testifying. Judges may remove from the courtroom anyone, including parties and lawyers, who hinder the orderly conduct of business.

14.3 **Disruptive behavior.** While it is not unusual that parties may be upset when they come to court, all parties are expected to keep their anger and behavior under control in the courthouse and everywhere else. Interruptions, sarcasm and insults will not be tolerated. Do not start arguments with or threaten anyone.

It is improper to make any kind of physical gesture or facial expression that shows sarcasm, disbelief or disrespect.

14.4 **Bounds of Advocacy.** All counsel appearing before the court are expected to read and should adhere to the standards of professionalism set forth in the "Bounds of Advocacy" published by the Family Law Section of The Florida Bar, copies of which may be obtained from The Florida Bar. Children's attendance in court proceedings shall be only as permitted by the applicable Family Law Rule which applies to lawyers and self-represented litigants alike .

14.5 **Appearing in Court without a lawyer.** A "Pro Se" litigant, a party without a lawyer, is not entitled to special treatment or privileges and must follow the same rules of procedure and ethical regulations that govern practicing lawyers.

14.6 **The court must treat a pro se party the same way it treats a lawyer.** Pro se litigants, although not expected to be as skilled and knowledgeable as lawyers, are nevertheless subject to all laws, rules and regulations of a lawyer.

Judges and their assistants are forbidden by law from giving any advice or help to unrepresented parties. Judges and their assistants must remain entirely neutral and impartial. Judges and their assistants also may not give unrepresented parties special treatment.

14.7 **What Judges and their assistants cannot do.** Neither the Judge nor the Judge's assistant can give a pro se litigant legal advice, practice tips or help in preparing court papers. Most questions that ask how to do something cannot be answered by the Judge's assistant or the Judge and should not be asked.

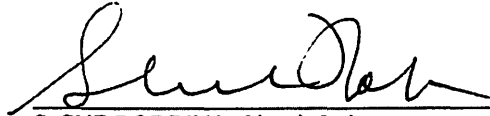
14.8 **Contact with the Judge's office.** A pro se party is authorized to contact the Judge's office by telephone to set hearings on the court's schedule. Personal visits to the office are discouraged because it disrupts the working routine in the office. Judicial Assistants assist Judges. It is not their job to advise or assist the parties with their cases. In pro se cases, the office of Family Court Case Management may provide valuable assistance.

If any party telephones the Judicial Assistant and persists in talking about unauthorized subjects after being warned, Judicial Assistants are instructed to hang up the telephone. All requests to speak to the Judge on the telephone or have a private conference will be refused. If a party has a matter to be considered, a motion and notice of hearing must be filed in the court file by delivery to the clerk of the court and a copy of the motion and notice of hearing must be sent to the other party or the other party's lawyer, if the other party has a lawyer. Letters should not be written to the Judge. All letters addressed to the Judge—regardless of who they are from—are filed in the court file and copies must be sent to the parties. The Judge can only consider motions filed in the court file, copies of which have been delivered to all other parties in the action with a notice of hearing. Judges can receive evidence about a case only at a hearing in the courtroom with all parties notified of the hearing.

15. SANCTIONS:

All parties and counsel must strictly comply with this order. Failure of counsel or a party to fully and completely comply with this order may result in the imposition of sanctions including, but not limited to, cancellation of the trial date with costs assessed to the offending party, the striking of pleadings, the entry of default, or dismissal of this action.

DONE AND ORDERED in chambers at Ocala, Marion County, Florida on this 2 day of May, 2017.



S. SUE ROBBINS, Circuit Judge
Administrative Family Law Judge for Circuit 5
Marion County Administrative Judge