

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

Administrative Order No. M99-9

**ADMINISTRATIVE ORDER EXCUSING APPEARANCE OF PARTIES AND
HEARING IN FAMILY CASES SETTLED BY WRITTEN AGREEMENT**

5,389 new family cases were filed in Marion County in 1998. 31.8% were dissolutions. Petitions to modify existing judgments are not included in this figure. Only two judges are assigned to the Family Division. There is not sufficient calendar time to schedule promptly every request for a hearing.

In the past the Court has required hearings in initial family proceedings even though each party had signed a written agreement and were represented by attorneys. However, the Court has accepted stipulations to modify initial orders and entered supplemental judgments without a hearing. Requiring hearings where all issues are settled costs the attorneys and litigants time and the litigants money for no reason other than tradition.

Therefore, it is

ORDERED AND ADJUDGED that it is no longer necessary to schedule a hearing in cases where the parties enter into a written agreement and each is represented by an attorney provided that all conditions necessary to entry of the final judgment have been completed.

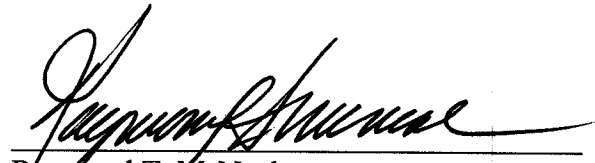
The parties may request waiver of the hearing by filing with the Court a request signed by the parties and their attorneys. Before or contemporaneous with the request the parties shall file financial affidavits, if required by the Family Law Rules of Procedure, proof of attending the class for divorcing parents, proof of the children attending the class for children of divorce, and an

affidavit of residency or driver's license for one party. The Court will review the file and enter the final judgment, advise the parties of any additional requirements, or set the matter for final hearing.

If the agreement was reached at mediation, the parties must wait ten days before requesting a waiver of final hearing unless the parties and their attorneys sign an agreement to waive the ten day required by Family Law Rules of Procedure 12.740(f)(1).

The request to waive a final hearing may be included in the parties' agreement. For example, the agreement may provide that "the parties agree to entry of a final judgment on this marital settlement agreement without hearing or further notice." In that event, the documents that are necessary to close the case may be forwarded to the Court with a cover letter by either attorney.

DONE AND ORDERED in Ocala, Marion County, Florida March 23, 1999.



Raymond T. McNeal
Administrative Judge, Family Division