

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR THE STATE OF FLORIDA

ADMINISTRATIVE ORDER NO: A-<sup>2020</sup>~~2019~~- 1

**ADMINISTRATIVE ORDER REQUIRING FILING OF FAMILY LAW FINANCIAL AFFIDAVITS PRIOR TO MEDIATION**

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WHEREAS, §44.102(2)(c), Fla.Stat., provides a court, in circuits in which a family mediation program has been established and upon a court finding of a dispute, shall refer to mediation all or part of custody, visitation, or other parental responsibility issues, as defined in s. 61.13.

WHEREAS, Fla.Fam.L.R.P. 12.740 also governs the referral of family matters and issues to a program which charges a fee only after the court has determined that the parties have the financial ability to pay such a fee. A determination of financial ability to pay may be based upon the parties' financial affidavits.

WHEREAS, each County within the Fifth Judicial Circuit has a family mediation program.

WHEREAS, Fla.Fam.L.R.P. 12.285(e) provides that a party must serve a financial affidavit in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(b) or 12.902(c) and that said requirement cannot be waived by the parties.

WHEREAS, often times, parties seek to be referred to mediation prior to complying with the mandatory requirement of filing a Family Law Financial Affidavit. Without the parties' sworn Family Law Financial Affidavits having been filed, family mediation programs cannot determine whether a case financially qualifies to be mediated by court mediation services. Further, without the prior filing of Family Law Financial Affidavits, family mediation programs cannot determine if those parties who do qualify for court mediation services further qualify for reduced or free court mediation services.

WHEREAS, similarly, often times parties request their case be set for final hearing prior to complying with the mandatory requirement to file a Family Law Financial Affidavit and prior having mediated their case.

WHEREAS, requests for referral to court mediation programs should be denied until parties file Family Law Financial Affidavits or a Court determines that a party's failure to file a financial affidavit should not bar a non-offending party from proceeding to mediation. To have parties who do not financially qualify to use court mediation services utilize the program, because they have not complied with the mandatory requirement to file a financial affidavit, overtaxes the program and delays those who are financially qualified from access to the program.

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215(b)(5), it is **ORDERED** as follows:

1. No case shall be referred to a court services mediation program by order without the parties having filed Family Law Financial Affidavits, as required by Fla.Fam.L.R.P. 12.285.

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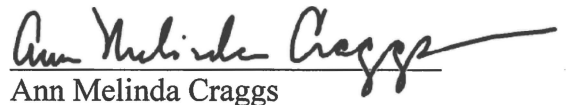
2. Family mediation programs shall recommend to the presiding Judge to deny requests for referral to mediation when financial affidavits have not been filed by the parties by preparing an order denying a motion to refer a case to court mediation services when the moving party and/or the opposing party have not filed Family Law Financial Affidavits.

3. Family mediation programs shall recommend to the presiding Judge to deny requests for final hearing when financial affidavits have not been filed by the parties and the case has not been mediated by preparing an order denying a motion or request that a final hearing be scheduled if the moving party and/or the other party have not filed Family Law Financial Affidavits and have not attended mediation.

DONE AND SIGNED this 6<sup>th</sup> day of January, 2020, in Chambers at Ocala, Marion County, Florida.



Daniel B. Merritt, Jr.  
Chief Judge



Ann Melinda Craggs  
Family Law Administrative Judge