



**State of Florida  
Ninth Judicial Circuit of Florida**

**DIANA M. TENNIS  
CIRCUIT JUDGE**

COUNTIES OF ORANGE AND OSCEOLA  
OSCEOLA COUNTY COURTHOUSE  
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**OSCEOLA DOMESTIC DIVISION 40  
Domestic Relations/Delinquency/Injunctions**

IN ORDER TO ASSIST COUNSEL, THE LITIGANTS AND THE COURT, THE FOLLOWING GUIDELINES<sup>1</sup>, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE CIRCUIT DOMESTIC DIVISION NUMBER 40 IN OSCEOLA COUNTY, FLORIDA WHEN PRACTICING BEFORE JUDGE DIANA M. TENNIS.<sup>2</sup>

**GENERAL INFORMATION**

**Courtroom:** 3D, Third floor, Osceola County Courthouse. All domestic and delinquency hearings assigned to Division 40 are held in this Courtroom. All injunction hearings regardless of Judge assigned are held in 5D, Fifth floor, Osceola County Courthouse.

**Contact Information:** The Judicial Assistant's e-mail address is:  
[CTJAKW1@OCNJCC.ORG](mailto:CTJAKW1@OCNJCC.ORG). Please use this e-mail in contacting the Court.

**Attorney Pick Up Boxes:** In our reception area on the sixth floor, many attorneys have made arrangements with Court Administration for a pick up box for paperwork coming to their offices from the judges. This not only saves you postage and envelopes, it ensures you get your paperwork the same day it is signed.

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<sup>1</sup>The above standards, procedures, practices and guidelines are minimum standards. All counsel are presumed to be familiar with and are expected to abide by the *Rules Regulating The Florida Bar*, and the *Guidelines for Professional Conduct* promulgated by the Trial Lawyers Section of The Florida Bar and adopted by the Conference of Circuit Judges. Copies of each of these documents may be obtained from The Florida Bar and/or are available on-line on its website <http://www.floridabar.org>. In addition, counsel must be aware of the *Ninth Judicial Circuit Courtroom Decorum Policy* promulgated on February 11, 2003. (See <http://www.ninthcircuit.org> For Attorneys/Information/Rules & Policies/Courtroom Decorum Policy.) Counsel must also be familiar with relevant Administrative Orders, e.g. *Administrative Order Establishing Ninth Judicial Circuit Court Domestic Guidelines* dated August 5, 2014, etc. all of which may be found at the above Circuit website.

<sup>2</sup>This Court is held to the additional standards set forth in *Code of Judicial Conduct* and the *Principles of Professionalism for Judges*.

## **DOMESTIC/FAMILY COURT PROCEDURES**

### **Hearing Procedure:**

With the exception of domestic violence motions, all other domestic hearing time may be obtained by first checking on the website at <http://www.ninthcircuit.org>. From the home page, click the icon labeled Judicial Automated Calendaring System (JACS) and look for available times for Osceola Domestic Division 40. Coordinate your hearing time with opposing counsel. Next, please contact the Judicial Assistant by e-mail at [CTJAKW1@OCNJC.ORG](mailto:CTJAKW1@OCNJC.ORG). Hearings must be confirmed by the Judicial Assistant to appear on the docket. In addition to filing the Notice of Hearing with the Clerk of Court, a copy of the Notice of Hearing and motion(s) must be furnished to the Judicial Assistant via mail or hand delivery. All requests for hearing time of one hour or more must be approved by the Judge. To obtain approval, appear at ex parte/short matters or mail/hand deliver a copy of the motion(s) with a detailed explanation of why you are requesting more than one hour of hearing time. Hearing time associated with injunction cases are held on certain days of the month and these times are not listed on JACS. Contact the Judicial Assistant at the email listed above for hearing times.

For the convenience of everyone, the following rules apply to the setting and handling of hearings:

1- **Setting of Hearings:** Pursuant to Administrative Order parties are expected to attempt to work out issues prior to setting motions for hearing. A certification that counsel have actually conferred and attempted to resolve the issue(s) to be heard will be required prior to any hearing being scheduled. Any violation of this Order may be met with sanctions, including attorney's fees and taxable costs. Hearing times must be cleared with opposing counsel or pro se parties. Good faith cooperation is expected both from counsel, their support staff and pro se litigants. Should counsel, their staff, or pro se litigants fail to respond within 3 business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth to the Judicial Assistant at the time of the hearing request and must be included either in the motion or in the notice of hearing. After filing any motions or notices with the Clerk, a copy of any and all motions and notices of hearing must be immediately forwarded to the Judicial Assistant via mail or hand delivery.

The Court, at its discretion, may set early morning hearings when congested calendars make it difficult for attorneys to find available hearing time. Pursuant to Florida Rules of Civil Procedure and the Florida Rules of Judicial Administration, telephone hearings are permitted so long as the hearing is thirty (30) minutes or less in length, no testimony or evidence is presented, and when counsel's office is located outside the ninth circuit. In this situation, no motion or order for telephonic appearance is necessary. If two or more attorneys are to appear by telephone, one of them must arrange to connect the other attorney(s) by conference call. When setting the hearing, please inform the JA of the request for telephonic appearance so it may be noted on the docket and the courtroom telephone number provided to counsel. Attorney(s) appearing via telephone for the

hearing must call the courtroom at the time of the hearing.

2- **Emergency Hearings:** If an emergency situation arises, counsel may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. All Emergency Motions should be verified. The motion must be hand delivered to Chambers before a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Court will generate an Order and/or direct counsel to either submit a detailed order or set the hearing. In light of the short setting, opposing counsel may apply to the Court for permission to attend the hearing via telephone if their schedule will not allow them to appear in person. Emergencies do not generally include any complaint that may be remedied by having a hearing within the normal course of time.

3- **Ex Parte/Short Matters:** Used for uncontested matters, (motions to withdraw, uncontested final hearings, name changes, or to have agreed upon Orders entered) and matters involving only legal argument of 5 minutes or less. These are not scheduled hearings so counsel should coordinate a date with opposing counsel or pro se litigants and file a notice of hearing. The Court does not take testimony at ex parte/short matters. If an uncontested final hearing is scheduled for this time frame, a checklist must be completed for each uncontested dissolution. If parenting classes are not completed and certificates of completion filed with the Clerk, the Court will not proceed with the final hearing. Telephonic appearance will not be permitted at short matters/ex parte.

Please check the JACS hearing calendar for our division to ascertain ex parte/short matters dates. Due to the limited time available for ex parte and short matter hearing time, counsel may set those type of hearings only in either Divisions 30 or 40, regardless of which division the case is assigned to. Ex parte/short matters are held at 8:30 a.m. on the dates listed. Furnish your motion and notice of hearing to the Court 48 hours prior to the hearing so that the Court can prepare for the hearing.

### **Trial/Case Management Procedure:**

Any hearing time requested exceeding one hour must be done at ex parte/short matters as set forth above. If the Court determines extensive time is necessary, it will be scheduled. The Court may also set a Case Management Conference prior to the hearing or trial, at which all counsel and parties must be present. The Court may also require pre-hearing memorandums, discovery limitations, or other means to streamline the proceedings.

During pre-trial conference, **back-up trials may be scheduled.** The trial that is “number one” will be set for a time certain date and given priority. Trial “number two” will be set at the same time, and will also be given a later trial date with “number one” priority. If the number one trial cancels or settles, it is the responsibility of the Petitioner (or legal counsel if one party is pro se) to notify both the Court as well as the Petitioner for the back-up trial of the cancellation or settlement. It is the duty of the Petitioner for the back-up trial to notify the opposing party. The Court will also notify the back-up trial attorneys

and/or pro se litigant(s) by e-mail and/or phone of the cancellation so the back-up trial may have the opportunity to have their case tried. The success of this procedure depends upon the timely notification of all hearing cancellations by following the below Cancellation Policy. In other words, if you have scheduled both a back-up and time certain trial, and your matter is ultimately heard on the back-up day, then you must immediately notify the Court of the cancellation of the date certain hearing time pursuant to the Cancellation Policy below.

Divisions 30 and 40 will be run as consistently as possible with the goal of maximizing the available court time for domestic/family cases given the divisions' schedules. Hearings and trials that are set in front of Division 30 may ultimately be heard by Division 40 and vice versa, depending upon the availability of the Judges.

**Notice for Trial:** Prior to filing a Notice for Trial, the parties shall attend mediation (this is **in addition to** mediation on temporary matters). If mediation is not appropriate, counsel or pro se litigants shall file a Motion to Dispense with Mediation and set it for hearing at ex parte/short matters in front of the Judge handling the case. Additionally if the case is a dissolution of marriage with children or a paternity case, parenting class certificates must be filed with the Clerk's Office pursuant to state law and the circuit's administrative order. Pursuant to Administrative Order 2004-14 entered on June 29, 2004, counsel or pro se litigants shall attach Form 51 to their Notice of Trial. **No Notice of Trial is accepted without Form 51.** Form 51 is available from the Court's website. Counsel or pro se litigants are required to furnish sufficient self-addressed, stamped envelopes (if not utilizing a pre-arranged pick up box for counsel on the sixth floor), for the Order Setting Scheduling Conference.

**Pre-trial/Scheduling Conference:** Counsel and pro se litigants must comply with all aspects of the Order Setting Scheduling Conference and Non-jury Trial. Non-compliance may result in sanctions. The Order should be reviewed in detail and the dates for completion of various items calendared. The Court will presume that each attorney and each party is familiar with the requirements of that order. Compliance and time limits are not optional, nor extendable by stipulation. **THE COURT EXPECTS STRICT COMPLIANCE WITH THE ORDER ABSENT A TIMELY MOTION AND ORDER OF COURT MODIFYING THE CONDITIONS THEREIN.** Joint stipulations to extend time are not permitted.

At the scheduling conference, the Court will schedule the trial and any back up trials. Attorneys for the "number one" and "number two" trials should exchange contact information at that time. **The attorney trying the case must appear at scheduling conference and telephonic appearance is not permitted at scheduling conference.** If counsel or a pro se litigant is unable to attend the scheduling conference, a motion for continuance must be submitted to the Court and an Order entered by the Court, or your case will be removed from the trial docket. After the scheduling conference, all exhibits to be used at trial are to be pre-marked and exchanged **prior to** the trial date. **Please schedule an appointment with the Court's Trial Clerk prior to the trial date for the marking of all exhibits.** If there are any unusual or complex issues to be tried, attorneys

are to file a short memorandum citing case law and deliver a copy of the memorandum and the case law to the Court at least one week prior to trial. Attorneys are to bring proposed Final Judgment to first day of trial **and** email a copy in Word format to the J.A. at [CTJAKW1@OCNJCC.ORG](mailto:CTJAKW1@OCNJCC.ORG).

**Case Management Conference:** All domestic trials are subject to having a case management hearing set prior thereto. All counsel and parties must appear at the conference/hearing. Prior to the conference, the attorneys shall meet to discuss any stipulations, issues, and evidence marking. Any additional provisions contained within a separate Order Setting Case Management shall be followed. All evidence that is expected to be utilized at trial will be disclosed, marked and a list thereof provided to opposing counsel as well as the Court at the conference.

### **Miscellaneous:**

**Cancellation Policy:** Please immediately notify the Judicial Assistant via e-mail of all cancellations or settlements so that the calendar may be opened up for other matters. You must attach to the e-mail a copy of the Notice of Cancellation. It is the responsibility of the moving party to file a Notice of Cancellation in the court file and submit a courtesy copy to Chambers as well as the responsibility to contact the opposing party to notify them of the cancellation.

**Submitting Proposed Orders:** After a hearing, counsel must send opposing counsel a proposed order **prior to** submitting it to the Court. After a lengthy or complex hearing and pursuant to Rules of Judicial Administration 2.516, the Court may request a party to draft the Order and submit it to opposing counsel. If counsel cannot agree on the proposed order and only after good faith attempts to resolve the disagreements, each side may submit a proposed order to the Court within 10 days of the hearing. The attorney who is not in agreement with the proposed order may send by U.S. mail or hand delivery a letter to the Court, with a copy to the opposing counsel, simply stating what the objections are. If further input is needed, the Court will request that counsel schedule the matter for ex parte/short matters. The Court will not hold orders for a period of time in order to obtain approval from opposing counsel. Additionally, all orders must contain the following information: title of the order includes the motion(s) that was/were heard; date of the hearing; and a complete certificate of service including names and addresses of counsel and pro se litigants. Orders generally will be accepted via email and will be distributed once entered via email. If requested, due to a pro se litigant or the like, Orders submitted physically must also include sufficient copies and self-addressed, stamped envelopes for conforming and sending to all parties.

**Motions to Continue:** Pursuant to Florida Rules of Civil Procedure, all motions to continue must have the client's signature and specific reason(s) for the continuance. Motions to continue may be set and noticed for ex parte/short matters or at a regularly scheduled hearing.

**Motions to Withdraw and Substitution of Counsel:** Pursuant to Florida Rules of Civil Procedure, all motions to withdraw or for Substitution of Counsel must have the client's signature and specific reason(s) for the withdraw/substitution. If you are unable to obtain client consent, motions to withdraw or to substitute counsel may be set and noticed for ex parte/short matters or at a regularly scheduled hearing.

**Referral to General Magistrate:** Motions and Trials may be referred to the General Magistrate. Either party may file a written request that a matter be referred to the General Magistrate. A copy of the motion and the Order of Referral should be sent to the Court (include additional copies and envelopes for conforming and mailing to all parties and the General Magistrate). Also the Court may sua sponte refer a matter to the General Magistrate. If counsel or a pro se litigant objects to the referral, said objection must be filed within ten (10) days of the referral.

**Support or Income Withholding Orders:** When submitting an order or Final Judgment directing a party to make payments to the State Disbursement Unit, please submit an Income Withholding Order to be entered simultaneously by the Court. Sufficient copies and self-addressed, stamped envelopes for the parties must be provided. **It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to Statute.**

**Motions for Re-hearing/Reconsideration:** Upon filing said motion, please send a copy to the Court for review. The Court will either rule without a hearing or will advise the moving attorney to schedule a hearing.

**Audio/Visual Equipment in the Courtroom:** The procedure for help and assistance is to call our IT Department/Help Desk Line at (407) 742-2488 and they will schedule a test/training time for you. All courtrooms have overhead projectors and all courtrooms have a DVD player, but the CD/DVDs must be in the same format that plays on a home DVD movie player plays. The Court will make the courtroom available before the equipment is to be used. It is the moving party's responsibility to ensure any digital media works.

**Miscellaneous:** A Motion for Contempt or Enforcement is the proper method of enforcing most orders or Final Judgments.

## **DELINQUENCY COURT**

**Hearing Requests:** It is the moving party's responsibility to coordinate hearing dates and times with all parties. Prior to submitting a proposed Motion and Order to the Court, a copy must be furnished to all parties for review and be in full agreement before the Judge will sign the Order. You must respond to the moving party within **(3)** business days. If you do not respond to the moving party within **(3)** business days, with your position, the moving

party may then send the Motion and Order to the Judge's chambers for signature. If your Motion is unopposed, please submit a copy of the Motion as well as the proposed Order and a cover letter/memorandum that states that all parties have been contacted and there is no objection. If, after reviewing the Motion, the Court determines that a hearing is needed, the moving party will be notified so a hearing can be scheduled. If you have an opposed Motion, please e-mail the JA for available hearing times. All dates and times given are on a first-come-first-served basis and will be scheduled in 15 to 30 minute increments. It is the moving party's responsibility to indicate the time needed for the hearing. If you delay in coordinating the date with all parties, you risk not having the date you want available. Once you have confirmed the date and time with all parties, you must then contact the JA to confirm. It is the moving party's responsibility to file the Notice of Hearing with the Clerk of Court or the Hearing will not be placed on the docket.

If your Motion requires longer than **(1)** hour to present in court, you must indicate either by cover letter or e-mail the specific details as to the reason for the additional time requested. The JA will not set a hearing for more than **(1)** hour duration without prior approval.

All Motions and/or Suggestions of Incompetency must comply with Florida Juvenile Rules of Procedure.

**Hearing and Trial Cancellations:** Please notify the JA promptly by e-mail or phone when there is a cancellation. It is the responsibility of the moving party to file the Notice of Cancellation in the court file. It is also the responsibility of the moving party to notify the other parties of the cancellation of the hearing.

**Request for Interpreter:** If the Court requires an interpreter to speak to and understand your client, please give the JA as much notice as possible. If you find you need to request an interpreter before the next hearing, please inform the JA at the time you schedule your hearing or at least (3) business days prior to the scheduled time for Spanish interpreters and at least five (5) business days for any language other than Spanish.

### **HELPFUL PHONE NUMBERS:**

#### **Domestic:**

Domestic Clerk's Office:	407-742-3492		
Injunction Unit:	407-742-2441	Mediation:	407-742-2451
DOR Hearing Officer:	407-742-2460	DOR Counsel:	321-690-6921
Visitation Center:	407-742-2467	Case Coordinator:	407-742-2531

#### **Delinquency:**

Juvenile Clerk's Office:	407-742-3576
Dept. of Children and Families:	321-442-8502
CBC Liaison - Linda Saez:	407-742-2524
Guardian Ad Litem Program:	407-742-6655

Osceola Court Reporters: 407-742-2482  
DJJ Liaison - James Woods: 407-443-8965

State Attorney's Office: 407-742-5249  
Public Defender's Office: 407-742-7030

*Please note: These procedures apply to Judge Diana M. Tennis only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in that division for instructions.*