



**LUIS F. CALDERON**  
**CIRCUIT JUDGE**

**State of Florida**  
**Ninth Judicial Circuit of Florida**  
COUNTIES OF ORANGE AND OSCEOLA  
OSCEOLA COUNTY COURTHOUSE  
2 COURTHOUSE SQUARE, SUITE 6430  
KISSIMMEE, FLORIDA 34741  
(407) 742-2556

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### **OSCEOLA DOMESTIC DIVISION 30** **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 30 IN OSCEOLA COUNTY, FLORIDA WHEN PRACTICING BEFORE JUDGE LUIS F. CALDERON.<sup>2</sup>

#### **GENERAL INFORMATION**

**Courtroom:** 4D, Fourth floor, Osceola County Courthouse. All domestic and delinquency hearings assigned to Division 30 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: [CTJALB1@OCNJCC.ORG](mailto:CTJALB1@OCNJCC.ORG). Please use this e-mail in contacting the Court. The Judicial Assistant's preferred method of contact is through e-mail.

**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 30. Coordinate your hearing time with opposing counsel. Next, please contact the Judicial Assistant by e-mail at [CTJALB1@OCNJCC.ORG](mailto:CTJALB1@OCNJCC.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 Tuesdays of the month. These times are not listed on JACS. Contact the Judicial Assistant at the email listed above for DV hearing times.**

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

1- **Setting of Hearings:** All hearing requests for over 60 minutes, require approval by the Judge personally. **To obtain approval, see above.**

Certification required: 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.**

Copies to Court: **A copy of all Motions for Re-hearing, Emergency Motions, Memorandums of Law/Case Law and ex-parte or short matter Motions as well as the Notice of Hearings must be forwarded to the Judicial Assistant. Any motions set for hearing must be forwarded at least 48 hours prior to the hearing. Same should be hand delivered or mailed.**

Notice to DOR: Review the Court file prior to filing any actions, motions or notices of hearings to determine if DOR (Department of Revenue) is an interested party. If support has previously been set by DOR, all support matters will be returned to the DOR

hearing officer. All requested modifications of support originally set by DOR should be filed and heard in the DOR support action.

Unscheduled Hearing Times: 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.

Notices of Hearing: All notices of hearing must include the full title of the motion to be heard and the date on which the motion was filed with the Court.

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. Except in uncontested dissolutions, paternity and adoption matters, 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 matter. If parenting classes are not completed and certificates of completion filed with the Clerk, the Court will not proceed with the final hearing. No telephonic appearance 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, generally counsel may set those types 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. Please furnish by**

e-mail, hand delivery or US Mail a courtesy copy of your motion, proposed Final Judgment and/or Notice of Hearing to the Court 48 hours prior to the hearing so that the Court can prepare for the hearing.

Paternity: Uncontested Final Judgments: All uncontested Final Judgments of Paternity and Income Withholding Orders wherein a Parenting Plan Agreement, Child Support Guidelines, Financial Affidavits and Certificates of Completion have been duly filed in the Court file may be handled by mail as opposed to personal appearance at short matters. A cover letter from the moving attorney must accompany the Final Judgment and Income Withholding Order. The cover letter **must** represent therein that all of the above requirements have been met and filed. No Final Judgments of Paternity will be entered that do not have the above minimum requirements. Unless it is clear from the face of the child support guidelines that the contribution is less than \$50 per month contribution, all requests for waiver of child support require the parties to appear at short matters. **Note: Default cases must be noticed for trial. Any request for expedited trial time must be addressed at short matters with the Judge.**

4- **Motions for Temporary Relief:** No hearing will be scheduled until such time as a mediation has been had on temporary matters and the mediator's report filed.

5- **Motions for Temporary Relocation:** Pursuant to F.S. 61.13001(10) the Court will make every effort to hold hearing on a motion for temporary relocation within 30 days of filing. It is the responsibility of counsel to secure the time on JACS and if no time is available within the statutory period on JACS and the matter cannot wait, then counsel are to approach the Court at short matters for an expedited hearing. Please see trial procedure for guidelines on Notice for Trial on the Petition for permanent relocation.

6- **Motions for Rule to Show Cause:** Upon verified Motion being filed, you may come to ex parte/short matters with a proposed Rule to Show Cause to present to the Court for execution. You should have a blank evidentiary return hearing date and time space inserted. After Judge Calderon reviews the verified Motion, you will be directed to obtain a hearing date and time from the judicial assistant of not less than 30 minutes, insert it and return for Judge Calderon to sign the Rule to Show Cause. It is the attorney's responsibility to insure that the Rule to Show Cause is properly and timely served upon the party.

7- **Defaults:** Pursuant to F.R.Civ.P. 1.500 a default may be entered by the Clerk or the Court. It is Judge Calderon's preference that the Court enters the default in any case wherein the Respondent is or was not residing in the State of Florida at the time of initiation of the lawsuit. The Clerk may be requested to enter a default in all other matters. Any defaulted cases where issues of child custody, support, equitable distribution and/or attorney's fees are pled must be noticed for trial as set forth herein below. No mediation is required in cases wherein a default has been entered.

**Trial/Case Management Procedure:**

The Court may set a Case Management Hearing or 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.

1- **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.

**Petitions for Permanent Relocation:** All Notices of Trial and Form 51 **must** designate that the matter being set for trial is a Petition for Relocation and Trial should be expedited. All Notices for Trial on Petitions for Relocation **must be** styled “**Notice for Trial – Expedited – Petition for Relocation**”.

2- **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 or in the alternative, appear at least 15 minutes prior to your scheduled trial/hearing time to exchange and pre-mark 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.

3- **Case Management Conference/Hearing:** 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/hearing.

### **Miscellaneous:**

**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.

**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.

**Interpreters:** The Court does not provide interpreters. It is the responsibility of the parties to provide interpreters at time of the hearing or trial.

**Modifications -- DOR cases:** No action for time sharing should be filed in the DOR support action. If support has been established in a DOR action and time sharing has not been addressed, a separate action must be filed to establish time sharing. Any modification of child support requested should be filed in the DOR support action only. See, Administrative Order No. 2010-27.

**Motions to Continue/Cancel Trial:** Pursuant to Florida Rules of Civil Procedure, all motions to continue trial must have the client's signature and specific reason(s) for the continuance. All motions must state the position of the opposing party. All agreed upon Motions should be sent to the Judge with a Joint Stipulation and a proposed agreed upon Order continuing and striking the trial from the Court's calendar. **Please e-mail** the judicial assistant immediately as to any request to continue or cancel trial. Please also advise the back up trial attorney if applicable. Contested Motions to continue/cancel must be set and noticed for ex parte/short matters or at a regularly scheduled hearing.

**Motions for Re-hearing/Reconsideration:** Upon filing said motion, please send a copy to the Court for review. The Court has no way of knowing of the filing of a Motion for Re-hearing or Reconsideration without a courtesy copy to chambers. The Court will either rule without a hearing or will advise the moving attorney to schedule a hearing **for short matters. Unless otherwise indicated by the Court, the hearing will be on whether or not to grant a re-hearing. If granted, the merits will be heard at a later time after due notice.**

**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.

**Notices of Voluntary Dismissal:** No hearing or Order required. The Notice of Voluntary Dismissal is of right. Please e-mail the Court a courtesy copy of all Notices of Voluntary Dismissal.

**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.

**Submitting Proposed Orders:** Counsel must send opposing counsel a proposed order **prior to** submitting it to the Court. **No order will be entered** unless there is a representation by counsel that the opposing party has reviewed the order and has no objection to the Court entering same.

After a hearing and pursuant to Rules of Judicial Administration 2.516, the Court may request a party to draft a proposed Order in Word format within 14 days and e-mail it to the Court with a copy by e-mail to the opposing party. The Court will review the proposed Order and make any deletions, corrections or additions needed. The court keeps track of all orders requested and may contact you regarding any overdue. Please forward to the Court postage pre-paid envelopes for all proposed Income Withholding Orders furnished to the Court by e-mail. The Court will e-serve all Orders **except** Income Withholding Orders and Qualified Domestic Relations Orders. All Income Withholding Orders and Qualified Domestic Relations Orders will be served via U.S. Mail. It is the obligee's or counsel for the obligee's responsibility to insure that a certified copy of the Income Withholding Order is properly served upon the employer.

All hard copies of orders send via U.S. Mail or hand delivered to the Court must include pre-paid, self-addressed envelopes reflective of the certificate of service.

**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 Obligee to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to Statute.**

#### **Telephonic Appearance of Attorney or Witness:**

Attorney: Telephonic appearance by attorneys for evidentiary hearings is not favored. All attorneys having good cause to appear by telephone for a hearing must first obtain the approval of opposing counsel and then contact the judicial assistant to advise that opposing counsel has agreed to your appearance by telephone so same may be noted on the Court's docket. If there is no agreement, then a Motion should be filed and the matter hearing at ex parte/short matters upon proper notice to opposing counsel.

Witness/Party: A motion for telephonic appearance of a witness or party must be filed. All stipulated orders may be sent to chambers for entry. All contested motions should be noticed and heard at short matters. All witnesses and parties appearing by telephone **must** have a notary on their end to swear them in. If there is no notary present with the witness/party, then the testimony of that individual will not proceed and the sanction of exclusion may be applicable. All witnesses/parties appearing while incarcerated may be sworn in by a correctional officer.

Copies to Court: A courtesy copy of all Motions for Re-hearing, Emergency Motions, Memorandums of Law/Case Law and ex-parte or short matter Motions **as well as** the Notice of Hearings must be forwarded to the Judicial Assistant. Any motions set for hearing must be forwarded at least 48 hours prior to the hearing. Same should be hand delivered or mailed. The JA will accept e-mail copies of all documentation not exceeding 10 pages in length.



**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 Circuit Judge Luis F. Calderon only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in that division for instructions.*