



State of Florida
Ninth Judicial Circuit of Florida

Joshua A. Mize
CIRCUIT JUDGE

ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVENUE, COURTROOM 16-E
ORLANDO, FLORIDA 32801
WWW.NINTHCIRCUIT.ORG

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DOMESTIC RELATIONS - DIVISION 30 PROCEDURES (REVISED 5/4/2022)

WHEN EMAILING THE JUDICIAL ASSISTANT FOR ALL MATTERS, THE OPPOSING COUNSEL OR PRO SE LITIGANT MUST BE INCLUDED.

Courtroom: All hearings are held in Courtroom 16-E or virtually via Zoom. Non-evidentiary hearings of thirty minutes or less may be scheduled by Zoom as long as all parties agree to conduct the hearing by Zoom. Evidentiary hearings, hearings longer than thirty minutes, or hearings which the parties do not agree to conduct by Zoom will be held in person unless the Court grants prior permission for the hearing to be conducted by Zoom. With the exception of the hearings described above that may be scheduled by Zoom without prior permission from the Court, all requests for hearings to be conducted by Zoom must be submitted to the Judicial Assistant at 30orange@ocnjcc.org using the Virtual Hearing Request Form available on Judge Mize's webpage. **With the exception of ex parte and short matters, virtual hearings are conducted on Fridays only.**

Ex parte & Short Matters: **Ex-parte and short matters are Tuesdays 9:00 a.m. to 9:30 a.m. and pre-scheduled with the Judicial Assistant.** Ex parte and short matter hearings are conducted by Zoom. Ex parte is for entry of orders for stipulated or unopposed matters only. Short Matters time is for short legal argument of five minutes or less with no testimony or evidence presented. No court reporters are allowed. **Discovery motions are not permitted at short matters.**

Any party who notices a case for ex parte or short matters **MUST** provide an email copy of the Notice of Hearing, the Motion and a proposed order to chambers at least three (3) business days prior to the hearing date. If the notice and motion is not received, the matter may not be heard.

It is the responsibility of the moving party to coordinate and timely notify the opposing party of the date and time of the hearing. All Notices of Hearing for Ex parte and short matters must include the following language:

All Parties MUST appear via Zoom Video Conference. When it is time for your hearing cut and paste this address into your internet browser: www.zoom.us/my/orange30 or from the Zoom app use Meeting ID# 4078360000. You will then wait in a waiting room until your Hearing is called and the Judge joins the Conference. To appear via telephone dial +1 646-876-9923 or +1 301-715-8592 and use Meeting ID# 4078360000.

**DISCOVERY
MOTIONS:**

Prior to any discovery motion being set for hearing, the moving party must file proof of having communicated specifics of the dispute to the opposing party prior to filing a motion and any response received. This proof must be included with the motion. After a discovery motion has been filed the responding party must file a written response including their communications on the issue and also detailing what is and is not forthcoming or available by reasonable means. Fees will generally be awarded at discovery hearings and therefore, affidavits of fees should be filed prior.

**Attorney
Uncontested
Final Hearings:**

Attorney Represented Uncontested Dissolution of Marriage final hearings for Division 30 may be pre-scheduled with the Judicial Assistant for 15-minute hearings. If there are any Motions related to the Final Judgement (i.e., Motions to Deviate), please provide an email copy to the Court at least three business days prior to the hearing. The Attorney Uncontested Dissolution Checklist must be completed and emailed to the Court, along with the proposed Final Judgement and all agreements, at least three (3) business days prior to the hearing. The proposed Final Judgment should be emailed to the Court in both Microsoft Word and PDF formats. If the hearing is held in person, a hard copy of the proposed Final Judgment should also be brought to the hearing, along with sufficient copies and self-addressed, stamped envelopes for the parties. The checklist can be found on the Division 30 portion of the Ninth Circuit website (www.ninthcircuit.org). The Parenting Plan and any Marital Settlement Agreement must be incorporated into the Final Judgment by reference to the date they were filed but should not be attached as exhibits. Please remember that any Final Judgement in a case with children must include full names and dates of birth of the child and all child support details.

Uncontested Final Hearings may also be conducted in writing without the need for attorneys or parties to appear by filing a Motion/Waiver for Written Final Hearing in the Court's approved format. The Written Final Hearing checklist must be submitted to the Court by email along with all applicable agreements and the proposed Final Judgment in Word and PDF formats.

**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 Deduction Order (with attached Income Withholding Order if there is child support) to be entered simultaneously by the Court. If the hearing is in person, 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. Sample forms for IDO and IWO may be found on the Judge's

page of the Ninth Circuit's Website at NinthCircuit.org.

**Uncontested
Paternity
Final Judgements/
Supplemental
Final Judgements:**

Uncontested Paternity Final judgements and Supplemental Final Judgements may be emailed to the Judicial Assistant for review by the Judge without a hearing if all required documents have been filed. Please provide an email copy to the Judicial Assistant and include a cover letter stating whether the Final Judgment is agreed upon.

Adoptions:

Hearings on adoptions must be specially set with the Court and a courtesy copy of the pleadings and proposed Final Judgment sent via email at least three business days prior to the hearing. If the hearing is held in person, a hard copy of the proposed Final Judgment should also be brought to the hearing. All available hearing time is located on the JACS webpage at www.ninthcircuit.org under Division 30. Family members are welcome and cameras are allowed.

Name Changes:

Attorney represented Name Change must be specially set with the Court and a courtesy copy of the pleadings and proposed Final Judgment sent via email at least three business days prior to the hearing. If the hearing is held in person, a hard copy of the proposed Final Judgment should also be brought to the hearing. All available hearing time is located on the JACS webpage at www.ninthcircuit.org under Division 30.

Pro se name changes will be scheduled through Family Court Services.

Cancellations:

Please notify the Court at least 24 hours in advance of any cancellations so that the hearing time can be offered to other parties. A Notice of Cancellation should be emailed to the Judicial Assistant at the time the Notice of Cancellation is filed with the Clerk. If the Notice of Cancellation is not received at least 24 hours prior to the scheduled hearing, that hearing will remain on the Docket and parties are expected to appear.

Emergencies:

Emergency motions must be **e-mailed** to the Judicial Assistant for the Court's review, along with a proposed Order in Word and PDF formats. The Court will not consider emergency motions at Ex parte or Short Matters. The Court will enter an order without a hearing, enter an order setting a hearing in the near future, or set a hearing as soon as possible. **Emergencies motions must be verified.**

The emergency motion process should rarely be used. **Emergencies requiring immediate action generally only arise when a child is threatened with harm or where a party plans to improperly remove a child from the state.** See *Loudermilk v. Loudermilk*, 693 So. 2d 666 (Fla. 2d DCA 1997). If one of these circumstances exists or another circumstance that rises to the level that would require immediate action to prevent harm, a party may file an emergency motion. The unwarranted designation of a motion as an emergency motion may result in sanctions. The lawyer or *pro se* litigant filing an emergency motion must certify that the matter is a true emergency by including the following certification before the signature block in the motion:

I certify that this motion presents a true emergency (as opposed to a matter that may need only expedited treatment) and requires an

immediate ruling. Absent immediate action, [a child may suffer harm], [a child may be improperly removed from the state], or [describe the emergency]. I understand that the unwarranted designation of a motion as an emergency may result in sanctions.

Failure to include this certification may result in denial of the motion.

A party whose time-sensitive motion does not qualify as an emergency motion but that requires an expedited ruling may file an expedited motion. An expedited motion must include the words “Expedited Motion” in the title and must set forth in detail the reason why the motion requires an expedited ruling. As a general matter, an expedited motion is one that will become moot is not ruled on by a certain date.

General Magistrate: If you wish to have your case heard by the General Magistrate, file a Motion for Referral to the General Magistrate and provide the Court an email copy, including the motion/issues you wish to have referred to the General Magistrate. The Court will issue an Order of Referral to the General Magistrate.

Hearings: Prior to requesting a hearing, the mandatory “meet and confer” must be done per Administrative order 2014-19. This includes matters with pro se litigants. If the issue(s) are still unresolved then a hearing may be requested. A Certificate of Compliance must be attached to the Notice of Hearing. A copy is attached to Administrative Order 2014-19. Failure to comply with this may result in the Court not having the hearing or not awarding attorney’s fees.

For hearings in front of the Judge, please refer to the JACS page on the Court’s website, www.ninthcircuit.org for available dates and times. You must coordinate the hearing time with opposing counsel/pro se litigant **PRIOR** to emailing the Judicial Assistant. Once a date/time has been confirmed by both parties, you must email the Judicial Assistant, **include opposing counsel or pro-se litigant**, in order to secure hearing time. **No hearings are set via phone.**

All requests for hearings must include a copy of the motion to be heard and the following information: (1) the Case Number; (2) Petitioner’s name and attorney; (3) Respondent’s name and attorney; (4) Hearing date and time requested; (5) Length of hearing; (6) Title of the Motion to be heard; (7) whether the hearing is evidentiary; (8) Date the mandatory meet and confer was conducted per Administrative Order No. 2014-19; (9) Date the mandatory mediation was conducted per Administrative Order No. 2004-14-02; and (10) whether the parties request that the hearing be conducted by Zoom or in person. Non-evidentiary hearings of thirty minutes or less may be scheduled by Zoom without prior permission from the Court as long as all parties agree to conduct the hearing by Zoom. Evidentiary hearings, hearings longer than thirty minutes, or hearings which the parties do not agree to conduct by Zoom will be held in person unless the Court grants prior permission for the hearing to be conducted by Zoom. If either party is requesting that the hearing be held by Zoom and prior permission from the Court is required to conduct the hearing by Zoom, the request for hearing must also include the Virtual Hearing Request Form available on the Judge’s webpage. **With the exception of ex parte and short matters, virtual hearings are conducted on Fridays only.**

Please do not send a Notice of Hearing until you have confirmed the time with the Judicial Assistant and received an email confirmation from the Judicial Assistant.

Cross-notices are not allowed without agreement of opposing party and approval from the Court.

Notice of Hearing: Notice of Hearing should include the full name of the motion and filing date, the length of the hearing, and a Certificate of Compliance per Administrative Order No. 2014-19.

If the hearing will be conducted via Zoom, the Notice of Hearing must also include the following language:

All Parties MUST appear via Zoom Video Conference. When it is time for your hearing cut and paste this address into your internet browser: www.zoom.us/my/orange30 or from the Zoom app use Meeting ID# 4078360000. You will then wait in a waiting room until your Hearing is called and the Judge joins the Conference. To appear via telephone dial +1 646-876-9923 or +1 301-715-8592 and use Meeting ID# 4078360000.

**Temporary
Custody
Hearings:**

Prior to scheduling any non-emergency temporary hearings, the PARTIES MUST ATTEND MEDIATION. Also note that only one temporary hearing will be set. If a further hearing is needed, counsel should see the Div. 30 Judge during ex parte before scheduling additional time or notice it for trial.

**Virtual
Appearances:**

Non-evidentiary hearings of thirty minutes or less may be scheduled by Zoom without prior permission from the Court as long as all parties agree to conduct the hearing by Zoom. Evidentiary hearings, hearings longer than thirty minutes, or hearings which the parties do not agree to conduct by Zoom will be held in person unless the Court grants prior permission for the hearing to be conducted by Zoom. With the exception of the hearings described above that may be scheduled by Zoom without prior permission from the Court, all requests for hearings to be conducted by Zoom must be submitted to the Judicial Assistant at 30orange@ocnjcc.org using the Virtual Hearing Request Form available on Judge Mize's webpage. With the exception of ex parte and short matters, virtual hearings are conducted on Fridays only.

If a party requests that an individual party, attorney or witness be permitted to appear remotely at an in-person hearing, a motion for the individual to appear remotely must be submitted **at least 10 business days** prior to the hearing, with a copy sent to the opposing attorney or pro se litigant.

Mediation:

Mediation is required in all Domestic cases in accordance with local amended Administrative Order 2004-14-02. The parties are to mediate prior to scheduling hearing time on temporary matters as well as prior to filing a Notice for Trial. Motions to dispense with mediation may be taken up at Short Matters.

Scheduling

Conference/Trials: After a Notice for Trial and Form 51 are received by the Court, an Order Setting Non-Jury Trial and Pre-Trial Conference may be mailed/e-filed to counsel of record/pro se litigants, a Case Management Conference may be scheduled, or the case may be referred to the General Magistrate for Trial.

Attorney/pro se litigants are required to file and deliver by email to the Judge, a Pre-Trial Memorandum at least **five business days prior to the pre-trial** as directed by the Pretrial Order.

Exhibits and Case Law

For all hearings and trials, the following rules apply unless a specific Court order in the case provides otherwise:

- (1) No later than four (4) business days before the hearing, counsel and/or pro se parties shall exchange any and all exhibits and have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits. This is the same requirements as set forth in Administrative Order Establishing Ninth Judicial Circuit Court Domestic Court Guidelines, Admin. Order No. 2014-19, which may be found at www.ninthcircuit.org.
- (2) All exhibits must be pre-labeled.
- (3) Parties must email copies of all exhibits to the Judicial Assistant at least three (3) business days prior to the hearing or trial. Do not deliver hard copies to the Judge prior to the hearing or trial. Each exhibit should be sent as an individual PDF file, unless the file is a video or other file that cannot be provided in PDF format. The name of the file must state the Party offering the exhibit, the word "Exhibit", the exhibit letter for identification, and a short description of the exhibit, such as the following example: "Petitioner's Exhibit 1 – Car Title".
- (4) If the hearing or trial is in person, the attorney or pro se litigant must bring to the hearing at least four physical copies of the exhibits for the Judge, the trial clerk, the opposing party and witnesses. The Judge's copies should be in a tabbed hearing binder.
- (5) If the hearing or trial is conducted by Zoom, one hard copy of the exhibits must be delivered to the trial clerk no earlier than seven (7) days before the hearing and no later than three (3) days before the hearing. The hard copies should be delivered to the Clerk's Office in Room 320 of the Orange County Courthouse, to Attn: Lisa Hyson.
- (6) All case law and other non-exhibit documents that a party wishes the Court to review must be provided to the Court and the opposing party by email at least three (3) business days prior to the hearing or trial. Each case or document should be provided as a separate file. If the hearing is in person, hard copies should also be brought to the hearing.
- (7) If files are too large to send by email, provide the files to the Court via a file sharing link such as Dropbox, Google Drive or OneDrive. Do not send a CD or flash drive.

Case Management Conference:

All parties must be appear for Case Management Conferences.

Motions for Rehearing:

Courtesy copies of Motions for Rehearing should be **emailed** to the Court for review. If they are filed in the court file only, the Court does not know that they have been filed. After review the Court may enter a ruling without a hearing; notify the moving party that the hearing will be set on the Motion for Rehearing or notify the moving party that the Motion for Rehearing has been granted and a new hearing on the original motion shall be scheduled.

Orders:

For in person hearings, bring proposed orders to the hearings with sufficient copies for all parties. If the Court requests counsel to prepare an order at the hearing/trial, counsel shall prepare and submit the order to the Court **via email within 10 days** unless a different deadline is set by the Court at the hearing. Unless the proposed order is being provided in person at a hearing, do not submit a hard copy of the proposed order. Counsel should submit the proposed order to opposing counsel/pro se litigant for approval before submitting it to the Court via email, with a cover letter stating that the Order is agreed upon. If the parties cannot agree on the form of the order, and BOTH parties are represented, the attorneys shall email **ONE** proposed order with their differences redlined to the Judicial Assistant. If the differences in the proposed Orders are so significant that a redline is not practical, the attorneys may submit two separate proposed Orders. If one or both parties are unrepresented, then each side shall email their proposed Order to the Judicial Assistant for the Court to review. The Court will render one Order after review. Please do not submit a hard copy order and ask the Court to hold it pending approval by the opposing party. If the other side does not respond timely to a request for approval of a proposed Order, email your proposed Order to the Judicial Assistant explaining that the time frame has lapsed and opposing counsel was unresponsive. Any party failing to provide an Order within ten days when the parties do not agree waives their opportunity to object.

All Orders should be titled with the name of the Motion and the date the hearing was held and include a complete certificate of service.

Miscellaneous:

Audio/Visual Equipment in the Courtroom: The procedure for help and assistance is to call our IT Department/Help Desk Line at (407) 836-0522 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. 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.

Interpreters: If a Party needs in interpreter to understand what is being said in the Courtroom, or to communicate with the Judge, they **MUST** bring their own Interpreter. A Certified Interpreter is generally required, as it is difficult to interpret in a courtroom setting. **AGAIN COURT IS REQUIRED TO BE CONDUCTED IN ENGLISH, AND THE COURT WILL NOT PROVIDE ANYONE WITH AN INTERPRETER.**

Exhibits: FOR ALL hearings and trials, all exhibits must have an exhibit tag attached and filled out **prior** to showing it to any witness. Exhibit tags can be obtained from the Clerk of Courts office.

Website: Visit the Court's website at www.ninthcircuit.org for general information including scheduling, Court Services and Florida Supreme Court approved Family Law Forms.

PLEASE NOTE: *These procedures apply to Judge Joshua A. Mize only. Counsel shall also comply with Administrative Order 2014-25, "Uniform Policies and Procedures of the Domestic Division of the Circuit Court, Orange County, Florida" which can be found on the Court's website at www.ninthcircuit.org.*