



State of Florida
Ninth Judicial Circuit of Florida

Mikaela Nix-Walker
CIRCUIT JUDGE

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

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DOMESTIC RELATIONS - DIVISION 42 PROCEDURES

WHEN EMAILING THE JUDICIAL ASSISTANT FOR ALL MATTERS, THE OPPOSING COUNSEL OR PRO SE LITIGANT MUST BE INCLUDED. PLEASE INCLUDE THE CASE NUMBER AND CASE STYLE IN THE SUBJECT LINE.

Courtroom: All hearings are held in Courtroom 16-H. Non-evidentiary hearings of fifteen minutes or less may be scheduled virtually and will be held via Microsoft Teams as long as all parties agree to conduct the hearing by Microsoft Teams.

**Short Matters/
Ex-Parte:** All short matters (non-evidentiary and under 5 minutes) hearings will be heard Tuesday – Thursday from 9am-9:20am, virtual appearance is available upon notification to the JA in order to receive the virtual link.

Any party who notices a case for ex parte **MUST** provide an email copy of the Notice of Hearing. If the notice 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 short matters must include the Microsoft Teams hearing link.

**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 42 may be noticed without confirming with the Judicial Assistant for 10-minute hearings. **UNCONS NOTICE OF HEARINGS MUST BE RECEIVED THE WEDNESDAY BEFORE THE SCHEDULED MONDAY OR YOUR CASE WILL NOT BE HEARD** Please file your Notice of Hearing and email a copy to the JA. If there are any Motions related to the Final Judgement (i.e., Motions to Deviate), please provide a copy **along with a proposed Order** to the Court at the time of the hearing. 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 42 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 also 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 Paternity Final Hearings may 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.

PLEASE SEND ALL PROPOSED ORDERS FOR VIRTUAL HEARINGS ONLY VIA MAIL OR HAND DELIVERY TO THE CLERK'S OFFICE NOT THE JUDGE'S CHAMBERS.

**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. If there is more than 20 pages, please submit via mail. 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. All adoption hearings will be in person, a hard copy of the proposed Final Judgment should be brought to the hearing. All available hearing time is located on the ai Calendar webpage at www.ninthcircuit.org under Division 42. Family members are welcome and cameras are allowed.

Name Changes: Attorney represented Name Change must be specially set with the Court. All name change hearings will be in person, a hard copy of the proposed Final Judgment should be brought to the hearing. All available hearing time is located on the ai Calendar webpage at www.ninthcircuit.org under Division 42.

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

Cancellations: Please notify the Court at least three (3) business days 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 three (3) business days to the scheduled hearing, that hearing will remain on the Docket and parties are expected to appear.

Emergencies: Verified 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.

If your pleading is over 20 pages, you will need to mail/deliver a hard copy of the pleading to the Judge's chambers. We will not print out pleadings over 20 pages.

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: For hearings in front of the Judge, please refer to the ai Calendar 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.**

Please do not send a Notice of Hearing until you have 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 Microsoft Teams the Notice of Hearing must include the hearing link.

**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. 42 Judge during ex parte before scheduling additional time or notice it for trial.

**Virtual
Appearances:**

Non-evidentiary hearings of fifteen minutes or less may be scheduled by Microsoft Teams without prior permission from the Court as long as all parties agree to conduct the hearing by Microsoft Teams. All short matters can be heard virtually every Tuesday-Thursday at 9am.

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.

PLEASE SEND ALL PROPOSED ORDERS FOR VIRTUAL HEARINGS ONLY VIA MAIL OR HAND DELIVERY TO THE CLERK'S OFFICE NOT THE JUDGE'S CHAMBERS.

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 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 Clerk/evidence exhibits must be pre-labeled. Exhibit tags can be obtained from the Clerk of Courts office Room 150.
- (3) **Exhibits: FOR ALL hearings and trials**, all Clerk/evidence exhibits must have an exhibit tag attached and filled out **prior** to showing it to any witness.
- (4) **PARTIES DO NOT EMAIL OR DELIVER HARD COPIES EXHIBITS TO THE JUDICIAL ASSISTANT.**
- (5) **DO NOT DELIVER HARD COPIES TO THE JUDGE PRIOR TO THE HEARING OR TRIAL.**
- (6) At the in-person hearing the attorney or pro se litigant must bring to the hearing at least two physical copies of the exhibits for the opposing party and witnesses.
- (7) All case law and other non-exhibit documents that a party wishes the Court to review must be provided to the Court at the time of the hearing and the opposing party by email at least three (3) business days prior to the hearing or trial.
- (8) If you are appearing virtually, any case law or exhibits need to be hand delivered/mail to the Clerk's office three (3) business days before the hearing.
- (9) **If your pleading is over 20 pages, you will need to mail a hard copy of the pleading to the Judge's chambers. We will not print out pleadings over 20 pages.**

**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.

If your pleading is over 20 pages, you will need to mail a hard copy of the pleading to the Judge's chambers. We will not print out pleadings over 20 pages.

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 3 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 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 Certified Interpreter. A Certified Interpreter is 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.**

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 Mikaela Nix-Walker 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.*