

Barbara Leach
Circuit Judge

Orange County Courthouse
425 N. Orange Ave, Suite 1715
Orlando, FL 32801



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State of Florida
Ninth Judicial Circuit of Florida

WebEx Link:

DIVISION 45 POLICIES AND PROCEDURES

PLEASE NOTE: These procedures apply to Judge Barbara Leach in Division 45 only. Where a [Ninth Circuit Administrative Order](#) or the [Florida Family Law Rules](#) conflict with these Policies and Procedures, the Order or Rule will control. Please read these rules in their entirety. If you have questions not answered below, please inquire via email to 45orange@ninthcircuit.org.

CONTACT: The division email should be used for all hearing requests or other matters. You must copy opposing counsel and pro se litigants on all correspondence to the Judicial Assistant (JA) at the division email; 45orange@ninthcircuit.org

PRO SE LITIGANTS: Please review [Administrative Order 2017-08-01](#), which establishes procedures for self-represented litigants in the Domestic Relations Division. The Judge and the JA cannot provide legal advice to you regarding your case. If you need additional assistance and cannot afford to hire an attorney, please contact [Family Court Case Management](#), [the Self Help Center](#), or [Legal Aid](#). The [Family Court Case Management Office](#) has an [online form](#) for pro se litigants to request assistance.

ADDITIONAL RESOURCES: Additional information, resources, and forms can be found at the following links:

[Judge Barbara Leach](#)
[Judge Leach's Ninth Circuit Page](#)
[JACS Hearing Scheduling \(Domestic Violence Division 45\)](#)
[JACS Docket \(Domestic Violence Division 45\)](#)
[Ninth Circuit Administrative Orders](#)
[Judge Leach's WebEx Link](#)
[Family Law Forms](#)
[Ninth Circuit Family Court Case Management Services](#)

DV AND RELATED DR COURTROOM ASSIGNMENTS:

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There are four judges currently assigned to Domestic Violence Injunctions (DV) and their related Domestic Relations (DR) cases. The judges rotate through the courtrooms on a four week rotation. A description of what is heard in each courtroom is detailed below. Please ensure that all Notices have the correct courtroom for the hearing being scheduled. If any party, witness, or attorney will be appearing virtually pursuant to the Virtual Hearing guidelines below, please also include the WebEx link.

COURTROOM 16-A INJUNCTION COMPLIANCE HEARINGS
Monday – Friday 9:00 a.m. and 1:00 p.m.

All Injunction Compliance Hearings are set by the Court. They may be held virtually or in person, so check your Notice or Order Setting Hearing for information on how to appear. These hearings are not coordinated with counsel or the parties. Rather, they are set following the entry of an Injunction or at a prior Compliance Hearing. Cases requiring a Spanish interpreter are heard Wednesdays at 11 a.m. For all languages, please notify the JA by sending an email to 45orange@ninthcircuit.org if an interpreter is needed.

COURTROOM 16-B INJUNCTION RETURN HEARINGS
Monday – Thursday 8:30 a.m., 10:00 a.m., 1:00 p.m. and 2:00 p.m.
Friday 8:30 a.m. and 10:00 a.m.

All Return Hearings are held in person, unless the Court has issued an order allowing otherwise. Cases requiring a Spanish interpreter are heard on Thursdays. If your case requires a Spanish interpreter and is not currently set for a Thursday, please notify the JA via 45orange@ninthcircuit.org. For all languages, please notify the JA if an Interpreter or court reporter is required for any party or witness.

COURTROOM 16-C RELATED DOMESTIC RELATIONS CASES (NO DV)
Hearing availability on JACS

Hearing time availability is located on the [Judicial Automated Calendaring System \(JACS\)](#) for Division 45 DR cases, and hearings are scheduled via email to 45orange@ninthcircuit.org. Parties and attorneys may appear virtually for non-evidentiary hearings that are less than 30 minutes by agreement or Motion/Order. Please see the Virtual Appearances section below for more guidance on appearing virtually. Only DR hearings may be set in 16-C, as there is no DV Case Manager available for this week, and the hearings are not recorded by the court reporting system. Interpreters are not provided by the Court for DR cases. If an interpreter or Court Reporter are needed, you must bring your own.

COURTROOM 16-D MISC DV HEARINGS
Contact the JA for hearing availability

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Hearing time availability is located on the [Judicial Automated Calendaring System \(JACS\)](#) for Division 45 DR cases, and hearings are scheduled via email to 45orangr@ninthcircuit.org. Parties and attorneys may appear virtually for non-evidentiary hearings that are less than 30 minutes by agreement or Motion/Order. Please see the Virtual Appearances section below for more guidance on appearing virtually. Only DR hearings may be set in 16-C, as there is no DV Case Manager available for this week, and the hearings are not recorded by the court reporting system. Interpreters are not provided by the Court for DR cases. If an interpreter is needed, you must bring your own. Cases requiring a Spanish interpreter are heard on Wednesday afternoons. For all languages, please notify the JA by email 45orange@ninthcircuit.org at the time the hearing is scheduled if an interpreter is needed.

SPECIFIC MOTIONS AND SETTING HEARINGS

PREREQUISITE TO SETTING HEARINGS: Before coordinating a hearing, Counsel shall comply with [Administrative Order 2014-19](#). Specifically, the hearing coordination and “meet and confer” portions of the Order must be met prior to scheduling a hearing. Additionally, mediation is required before seeking temporary relief or setting a case for trial. Please see the Mediation and Trial Procedure section for additional information.

SETTING HEARINGS: Once you have satisfied the “meet and confer” requirement, you should locate hearing time on JACS. If your hearing is appropriate for ex parte/short matters, schedule according to the Ex Parte/Short Matters instructions that follow this section.

Next, coordinate your hearing with opposing counsel or pro se litigants. Please refer to [Administrative Order 2014-19](#) for guidance where the opposing counsel or pro se litigant fails to “meet and confer,” does not respond, or refuses to coordinate the hearing.

Finally, email 45orange@ninthcircuit.org to reserve the hearing time. Please attach an e-filed copy of the relevant Motion to your request. You must copy opposing counsel or pro se litigant on all correspondence to the division email. Please include the following information in your request:

1. Case Number
2. Both Petitioner’s and Respondent’s Name and Attorney’s Name
3. Title of Motion and Date Filed
4. Date, Time, and Length of Time Being Requested
5. Whether the Hearing is Evidentiary in Nature (Testimony or Evidence Expected)
6. Certificate of Compliance with “Meet and Confer” and Hearing Coordination Requirements in [Administrative Order 2014-19](#)
7. Requests or Agreements to Appear Virtually
8. If DV, Whether an Interpreter is Needed, and Language Requested
9. Whether any Party is in Jail and Needs to be Transported to Court

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Requests for hearing time will be reviewed by the Judge, and an Order may be entered without a hearing. If either side receives an Order contrary to their position, you may file a timely Motion for Reconsideration.

All hearings, including short matters, must be confirmed by the JA to appear on the docket. Once the hearing is confirmed, email the e-filed Notice of Hearing to 45orange@ninthcircuit.org. If the hearing is evidentiary in nature, please indicate that on the Notice of Hearing. You must also include both the Courtroom where the hearing will be held, and the WebEx link if any party, witness, or attorney will be appearing virtually. Cross-Notices are not permitted without agreement of the opposing side and approval from the Court.

Please note that DV hearings are recorded by the court reporting system, but DR hearings are not. If you require a recording of a DR hearing, you must hire your own court reporter.

EX PARTE/SHORT MATTERS:

Ex parte and short matters are scheduled on an as needed basis. Please contact 45orange@ninthcircuit.org to schedule a short matters hearing at a time convenient for you.

VIRTUAL APPEARANCES: Where virtual appearances are permitted, parties may appear virtually for non-evidentiary hearings that 30 minutes or less by logging into WebEx at the link on the first page of these policies and procedures.

Parties and attorneys may appear virtually by agreement or upon approval by the Court for non-evidentiary matters that are 30 minutes or less in length. Non-evidentiary means there will be no testimony and nothing will be entered into evidence. Where there is agreement, please notify the JA while scheduling the hearing. If no agreement, the party or attorney requesting a virtual appearance should file a Motion and send a copy of the e-filed Motion and proposed Order in Word format to 45orange@ninthcircuit.org while scheduling the hearing, or no later than two business days before the hearing. The Motion should state the good cause basis for a virtual appearance, and include the opposing party's position on the request.

If the hearing is set for over 30 minutes in length or is evidentiary in nature, the hearing shall be held in person unless prior approval is granted. You may request permission for a witness, party, or attorney to appear virtually as detailed above. Either file a Motion or contact 45orange@ninthcircuit.org if you wish for a hearing to be virtual, and the Court will address the Motion accordingly.

If any witness, party, or attorney will appear by WebEx, please ensure you are familiar with the technology, know how to mute/unmute yourself and turn your camera on/off, and are logged in before the start time for the hearing. If you are not comfortable with the

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technology, please email 45orange@ninthcircuit.org to set up a time to practice when Court is not in session.

EMERGENCY MOTIONS: All Emergency Motions must include “EMERGENCY MOTION” in their title. The Motion should also be verified. Please email the e-filed copy of the Motion to 45orange@ninthcircuit.org and indicate in the subject line of the email that it is an Emergency Motion. An Emergency Motion is only appropriate in “an emergency situation, such as where a child is threatened with harm, or where the opposing party plans to improperly remove the child from the state. *Loudermilk v. Loudermilk*, 693 So. 2d 666, 668 (Fla. 2d DCA 1997). If it is actually expedited relief that you are requesting, title your Motion “EXPEDITED” rather than “EMERGENCY,” and proceed accordingly.

Once an Emergency or Expedited Motion is received via email at 45orange@ninthcircuit.org, the Court will review the Motion and either (1) enter a ruling on the Motion without a hearing; (2) set a hearing for the Motion to be heard on an emergency basis; or (3) direct the parties to coordinate a hearing for the Motion to be heard on an expedited or non-emergency basis.

Note: If you are a lawyer, the Court **will not know** you filed an emergency Motion unless you forward it to the Court!

MOTIONS TO CONTINUE: Pursuant to [Florida Rule of Judicial Administration 2.545\(e\)](#), continuances should be rare, and good cause for the continuance should be shown. All Motions to Continue must be signed by the party requesting the continuance except where good cause as to why a signature can't be obtained is shown. Please include either the opposing party's position or detail attempts to obtain their position.

If the opposing side objects to the continuance or you are unable to obtain their position, the Motion should be set for hearing prior to the time the hearing or trial is scheduled where feasible. Motions to Continue may be set and noticed on the ex parte/short matters docket. If no earlier hearing time is available, the Motion will be heard at the time the hearing or trial is scheduled. If the continuance is granted, a new hearing or trial time will be set. If the continuance is denied, the scheduled hearing or trial will proceed.

MOTIONS TO WITHDRAW AND SUBSTITUTION OF COUNSEL: Pursuant to the [Florida Family Law Rules of Procedure 12.040](#) and [Florida Rules of General Procedure and Judicial Administration](#), all Motions for Substitution of Counsel should include the client's signature. Motions to Withdraw should include (1) client's address, (2) client's email address, (3) any upcoming hearings, and (4) Party should be included in the Certificate of Service. If you are unable to obtain written consent to withdraw from your client, the Motion must be set for hearing with Notice to your client.

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Motions to Withdraw or to Substitute Counsel may be set and noticed for ex parte/short matters or at a regularly scheduled hearing. Please allow sufficient time for notice to your Client prior to the hearing date, and direct them to appear for the hearing.

UNCONTESTED FINAL JUDGMENTS: Complete the [Uncontested Dissolution Checklist](#) and email it to 45orange@ninthcircuit.org, along with the proposed Final Judgment in Word and all agreements. The Parenting Plan and any Marital Settlement Agreement must be incorporated into the Final Judgment and attached as exhibits. Any Final Judgment in a case with children must include full names and dates of birth of the child and all child support details. Send all documents to 45orange@ninthcircuit.org when requesting hearing time.

These may be set during regular hearing time, or on the ex parte docket if the parties are confident it can be handled in five minutes or less. Remember that the ex parte docket is virtual, and hard copies of the proposed Final Judgment with self-addressed, stamped envelopes for all parties must be delivered to the court in advance of the hearing. If the hearing is held in person, a hard copy of the proposed Final Judgment may be brought to the hearing, along with sufficient copies and envelopes.

Uncontested Final Hearings may be conducted in writing without the need for attorneys or parties to appear by filing a Motion and Waiver for Written Final Hearing. The [Required Checklist for Entry of Final Judgment without Personal Appearance](#) must be submitted to 45orange@ninthcircuit.org along with all applicable agreements and the proposed Final Judgment in Word format.

Uncontested Paternity Final Judgments and Supplemental Final Judgments may be emailed to 45orange@ninthcircuit.org for review by the Judge without a hearing if all required documents have been filed. Please indicate whether the Final Judgment is agreed upon.

MEDIATION AND TRIAL PROCEDURE

MEDIATION REQUIREMENT: Pursuant to [Administrative Order 2004-14-02](#), parties must attend mediation prior to seeking temporary relief or setting a case for Non-Jury Trial. More information on this process is below. After attending mediation, parties may seek temporary relief or file a Notice of Non-Jury Trial. Motions to Dispense with Mediation can be sought for those parties with a history of domestic violence pursuant to [Florida Statute 44.102\(2\)\(c\)](#).

TEMPORARY MATTERS (FORM 50): Parties should attend Mediation before requesting hearing time for temporary relief. File [Form 50](#) with Dispute Resolution to schedule the Mediation. [Form 50](#) may be faxed to 407-836-2367. If, after Mediation, the parties are unable to reach agreement, a hearing on temporary matters may be scheduled with the Court.

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If parties wish to attend a virtual mediation, they may submit an agreed-upon order for the Court to sign.

NOTICE OF NON-JURY TRIAL, FORM 50 AND FORM 51: Prior to trial, the parties must attend Mediation within the last 180 days before filing a Notice for Non-Jury Trial to attempt a resolution of all matters in the case, or obtain approval from the Court to dispense with mediation. [Form 50](#) should be prepared and faxed to Dispute Resolution at 407-836-2367 to schedule Mediation.

After Mediation is concluded, if any or all issues are unresolved, a Notice for Non-Jury Trial should be filed with the Clerk's office. Pursuant to [Administrative Order 2004-14-02](#), counsel or pro se litigants must attach a [Form 51](#) to their Notice of Trial. 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 [Florida Statute 61.21](#) and [Administrative Order 07-98-37-01](#).

Email a copy of the e-filed Notice and [Form 51](#) to 45orange@ninthcircuit.org in order for the trial procedure process to begin.

CASE MANAGEMENT CONFERENCE: After the Notice for Non-Jury Trial and [Form 51](#) are received by the Court, the Court will issue an Order setting a Case Management Conference (CMC). The Court may also set a CMC on its own. Please note that where a CMC is set by the Court, it is held pursuant to [Florida Family Rule of Procedure 12.200](#), which may include the setting or disposition of any outstanding Motions and place other requirements on the parties. Prior to the CMC, counsel and pro se litigants must comply with all aspects of the Order setting the CMC.

All counsel and parties must be present for CMC. CMCs will generally be held virtually using the WebEx link. If any party or attorney wishes to appear in person, please send a request to 45orange@ninthcircuit.org. At the CMC, a Pre-Trial Conference (PTC) may be set, and the Court will enter a Uniform Pre-trial Order (UPTO).

UNIFORM PRE-TRIAL ORDER REQUIREMENTS: Prior to the PTC, counsel and pro se litigants must comply with all aspects of the UPTO. Noncompliance may result in cancellation of the PTC and other sanctions. If modifications or extensions of time are needed, a timely Motion to Modify the UPTO is required.

In order to streamline the issues that will be addressed at trial, parties and attorneys will be required to prepare documents in advance of the PTC to assist the Court. The UPTO will detail these requirements. Sample forms and instructions are available at the websites listed under Additional Resources on the first page of these policies and procedures. If the parties are unable to cooperate to complete the following, the Court may decline to set the

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case for Non-Jury Trial until completed, and fees may be assessed accordingly. Examples include the following:

Parenting Plan: Where the parties do not have agreement on a Parenting Plan, the court may require the parties to produce a joint redline Parenting Plan. [Instructions](#) for how to create a redline word document on how to create one is available online. You may also refer to the Parenting Plan in [Family Law Form 12.995](#).

Pre-Trial Memorandum: The UPTO requires a Joint Pre-Trial Memorandum with stipulations or proposed stipulations. A [sample form](#) is available online for your use.

Equitable Distribution Spreadsheet: The UPTO requires a Joint Equitable Distribution Spreadsheet. An [Excel spreadsheet](#) is available online for your use.

You will also be required to provide a copy of all exhibits to opposing counsel or pro se litigant pursuant to the UPTO, even if the items were previously disclosed through the Discovery process.

PRE-TRIAL CONFERENCE: All parties and their attorneys must appear at PTC. The Non-Jury Trial will be scheduled at the PTC, and will occur approximately 4 to 8 weeks after PTC or as soon as practical given the availability of hearing time. PTCs will be held virtually using the WebEx link. If any party or attorney wishes to appear in person, please send a request to 45orange@ninthcircuit.org. Assuming the Parties have complied with the requirements of the Pretrial Order, after the PTC, the Court will issue an Order Setting Trial.

NON-JURY TRIAL: Non-Jury Trials will be held in person. Please read the Order Setting Trial and comply with all requirements in a timely fashion. Both sides will be required to provide an updated Final Judgment, Parenting Plan, and Child Support Guidelines to the Court and opposing counsel or pro se litigant at least three business days prior to trial or as detailed in the Order Setting Trial. Please send the proposed Final Judgment and proposed Parenting Plan to 45orange@ninthcircuit.org in Word format. All parties and attorneys are expected to appear in person for trial. See the Virtual Appearances section for more information to request that a witness appear virtually.

MISCELLANEOUS

CANCELLATIONS: If a hearing will be cancelled due to settlement or for any other reason, the e-filed Notice of Cancellation must be emailed to 45orange@ninthcircuit.org prior to the hearing date. If no confirmation of the cancellation is received from the JA, the parties are expected to appear at the date and time the hearing is scheduled. If a hearing is set by Order rather than Notice of Hearing, the parties may not unilaterally cancel but must obtain approval from the Court or appear as scheduled. Trials may not be cancelled without court approval.

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REQUESTS FOR REHEARING OR RECONSIDERATION: Where parties or attorneys wish for the Court to rehear a Motion or reconsider a Motion that was ruled on in chambers, you must first timely file the Motion for Rehearing or Reconsideration pursuant to [Florida Family Law Rule 12.530](#). Email the e-filed copy of the Motion to 45orange@ninthcircuit.org for review. The Court will either (1) enter a ruling on the Motion without a hearing, or (2) direct the parties to coordinate a hearing for the Motion for Rehearing or Reconsideration to be heard. If a Motion for Rehearing or Reconsideration is granted, a separate hearing will then be set on the underlying issue.

AUDIO/VISUAL EQUIPMENT IN THE COURTROOM: If assistance with audio/visual equipment is needed, contact the IT Department/Help Desk Line at (407) 836-0522, and they will schedule a test or training time for you. Please note that audio/video equipment may have changed since last time you used it, so plan accordingly. The Court will make the courtroom available for advance preparation. It is the requesting party's responsibility to ensure any digital media works, and make arrangements for its use in court.

EVIDENCE: Exhibits that will be offered into evidence should be pre-marked using the court-approved tags. You may obtain tags from the trial clerk or the clerk's office. It is your responsibility to provide a copy of all exhibits to opposing counsel or pro se litigant. You must comply with any time constraints or other requirements set by these Policies and Procedures and any Orders relating to the hearing or trial where you wish to offer the evidence. Failure to comply may result in the denial of your request to enter the item into evidence. If you wish to provide copies of proposed exhibits to the Court in advance of the hearing or trial, please email 45orange@ninthcircuit.org to obtain a dropbox link, or receive further instructions on how to provide them to the Court.

Please note that the Court does not have the ability to play a CD or DVD, and you should provide a USB drive with any video or audio. Any photographic evidence should be printed. Additionally, if the evidence is on your cell phone and you wish to keep your phone after the hearing, you must be able to download the item being offered for evidence, provide a copy to opposing counsel or pro se litigant in advance of the hearing, and provide a second copy to enter into evidence in court at the hearing.

REASSIGNMENTS: Reassignments among divisions are done by Order of the Family Court Division Administrative Judge pursuant to [Administrative Order 2017-10-01](#). DV and DR cases may not be consolidated, but related cases will be heard by the same judge. If you have an active DV case and an active DR case with the same parties that are currently in front of different judges, email 45orange@ninthcircuit.org to request they be set before the same judge.

INTERPRETERS: The Court will only provide interpreters for DV cases and not DR cases. If you need an interpreter for a DR case, you must supply your own interpreter. The

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interpreter does not have to be a court-certified interpreter but must be someone who understands English and your preferred language fluently.

SUPPORT OR INCOME DEDUCTION 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 (IDO) (with attached Income Withholding Order (IWO) if there is child support) to be entered simultaneously by the Court. Please use [Form 12.996 \(IDO\)](#) and the [OMB approved form \(IWO\)](#) that are available online. 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.