

UNIFORM POLICIES & PROCEDURES BEFORE DOMESTIC MAGISTRATES

GENERAL INFORMATION FLORIDA SELF-REPRESENTED LITIGANTS (PRO SE).

- Please register for the E-filing portal so you can electronically receive and filed documents.
- Neither the Magistrates nor their assistants are permitted to give legal advice.
- Ex-parte communication (any communication to the Magistrate without the other party's presence or knowledge) is strictly prohibited. Copy the opposing party or attorney, if the opposing party is represented, when sending email messages or correspondence to the Magistrates or their assistants.
- Please remember whenever you file something with the Clerk or provide the Magistrate a copy, you must send a copy to the opposing party or attorney, if the opposing party is represented.

EVIDENTIARY HEARINGS.

- ALL EVIDENTIARY HEARINGS WILL BE HELD IN PERSON.
- Be on time for your hearing. Please be advised that the Magistrate will call cases promptly at the time when the case is set, and that failure to appear may result in dismissal, default or denial of the matter pending before the Magistrate.
- The Magistrate can only hear matters that have been properly filed, referred, and are scheduled for hearing, so stay focused on the issues that are in the pleading and scheduled for that hearing.
- Do not bring your children to court with you, unless you have an order requiring you to do so.
- Unless otherwise stated in the pre-trial or other prior Order, a list of the witnesses, including names addresses and telephone numbers must be filed with the Court and provided to the opposing party or attorney, if represented at least five (5) business days prior to the hearing/trial.
- Unless otherwise stated in the pre-trial or other prior Order, any exhibits you would like the Magistrate to consider (i.e., documents you think may be necessary for your case depending on the issues that have been identified in the petition or motion, such as receipts, bills, copies of checks, etc. – see Chapter 90 “Evidence Code” Florida Statutes for more information) must be provided to the opposing party or attorney, if the opposing party is represented, at least five (5) business days prior to the hearing. A list of the exhibits must also be filed with the Court and provided to the opposing party or attorney, if the opposing party is represented, at least five (5) business days prior to the hearing. The parties should also have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits.
- All exhibits brought to court should be pre-marked for identification (alphabetically) with yellow exhibit tags.
- Parties should bring all exhibits they expect to introduce into evidence to the hearing with at least four (4) copies of each exhibit (i.e., copies for the Magistrate, the trial clerk, the opposing party and witnesses).
- All case law and other non-exhibit documents that a party wishes the General Magistrate to review must be provided to the General Magistrate (a hard copy) and the opposing party (by email or hard copy) at least three (3) business days prior to the hearing/trial. If the hearing is in person, hard copies should also be brought to the hearing.
- No cell phones will be allowed during the hearing. Documents, text messages, and emails stored on cell phones that have not been provided to the opposing party or attorney and printed out will not be considered by the court.
- The General Magistrate will not print your exhibits for you. You are expected to bring a sufficient number of printed copies of any documentary evidence you intend to introduce with you to the hearing/trial.

- If a party intends to submit a video exhibit, it is required to be on a flash-drive for submission to the court and the party must publish/play the flash-drive on his or her personal computer/device. E-mailed video exhibits will not be accepted as evidence. Copies of the video must still be exchanged with the opposing party at least five (5) business days in advance of the hearing and may be e-mailed to them for this purpose.

CONTINUANCES.

If a case is set for a motion hearing, case management conference, or trial and you desire a continuance (for good cause), you must first contact the opposing party, or the attorney, if the opposing party is represented, and determine if they stipulate or agree to the continuance.

If the opposing party stipulates to the continuance, please file a stipulated motion for continuance signed by **both parties AND the parties' attorneys**, if represented with the Clerk of the Court and send a courtesy copy to the Magistrate's assistant via email. The submission of a stipulated motion for continuance does not guarantee a continuance will be granted and the Magistrate might set a hearing on the stipulated motion.

If there is no stipulation to the continuance, please file a written motion requesting the continuance stating the reason for your request, a statement that good faith was made to contact the opposing party but was unsuccessful or the opposing party objects to the continuance and send a courtesy copy to the Magistrate's assistant via email. Please NOTE any request for continuance must be signed by the party requesting the continuance. If the party is represented by counsel, then the party/client MUST co-sign the motion. The motion for continuance will be set for hearing.

CANCELLATIONS.

Cancellations may occur under either one of the following mechanisms:

1. By submitting an Order or Judgment signed by the Judge that resolves the pending matter; or
2. By filing a Notice of withdrawing the pending motion or filing a Notice of Voluntary Dismissal of the pending petition.

TELEPHONIC/VIDEO APPEARANCE.

Any request for telephonic or video appearance must be made pursuant to Florida Rule of Judicial Administration 2.530 (meaning the motion must be written, served upon the other party (who has the right to register objection) and timely filed with the Clerk of the Court, and a courtesy copy provided to the Magistrate's assistant, at least seven (7) days prior to the date of the hearing.

Motions for telephonic and/or video appearance are within the sound discretion of the Magistrate to grant or deny. See Rule 2.530(a).

INTERPRETERS.

If you need an interpreter, you should bring one with you to the hearing. Per Florida Rule of Judicial Administration 2.560(e), your interpreter must be court certified unless you can show good cause why a certified interpreter was unavailable to you. A list of certified interpreters can be found here: <https://www.flcourts.gov/Resources-Services/Court-Services/Court-Interpreting/Find-an-Interpreter>

FLORIDA SUPREME COURT APPROVED FAMILY LAW FORMS

Florida Supreme Court approved Family Law Forms can be found here:

https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida/Family-Law-Forms?parentId=669505&sort=form/number%20asc,%20form/date%20desc&view=embed_custom&searchtype=form&limit=50&query=&offset=0