

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 file documents. No matter will be heard by the Magistrate unless the other party has been properly served with the pleading.
- 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 other party or the other party's attorney, if 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 other party or other party's attorney, if represented.

PARENTING CLASS.

- Pursuant to Florida Statute 61.21, divorcing or separating parents must complete a Parent Education and Family Stabilization Course (the required parenting class) in order for the court to award time-sharing with children to a party at a final hearing. While all parties are required to complete the general course, please know that Florida Statute 61.21(4)(a) requires parents who have children with identified special needs or emotional concerns to select a parenting class that is tailored to education relating to children who have special needs or emotional concerns.
 - You can find approved general classes here:
<https://www.myflfamilies.com/services/child-family/child-and-family-well-being/parent-education-and-family-stabilization>
 - If your child has a disability, special needs, or emotional concerns, you must attend a special class (not the general class). You can find it here:
<https://www.myflfamilies.com/services/child-family/child-and-family-well-being/Special-Needs-Emotional-Concerns>
- You must file your Parenting Class Certificate with the Court before your Final Hearing.

AGREEMENTS.

- All mediated Agreements signed by the parties and filed with the Court shall be considered FINAL Agreements unless there is specific language in the Agreement stating otherwise.
- All FINAL Agreements will be referenced in any Pre-Trial Order and/or Final Judgment.
- If both parties wish to set aside or modify an agreement, they may agree to do so at the Pre-Trial conference or at the Final Hearing either through written agreement or verbally at the hearing.
- If only one party wishes to set aside or modify an agreement, that party must file a motion before the Pre-Trial conference listing the reasons why it should be set aside or modified.

EVIDENTIARY HEARINGS.

- ALL EVIDENTIARY HEARINGS AND TRIALS WILL BE HELD IN PERSON unless specific permission is granted to appear virtually.
- Be on time for your hearing/trial. Please be advised that the Magistrate calls 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.
- The Magistrate can only hear matters that have been properly filed, noticed, referred, and scheduled for hearing/trial.
- Do not bring your children to court 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 other party or other party's 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 other party or other party's attorney, if represented, at least five (5) business days prior to the hearing.

- A list of the exhibits (NOT the exhibits themselves) must also be filed with the Court and provided to the other party or other party's attorney, if represented, at least five (5) business days prior to the hearing. **DO NOT FILE EXHIBITS WITH THE CLERK OF COURT.**
- The parties should also have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits at least three (3) business days prior to the hearing/trial.
- **Parties MUST bring all exhibits they expect to introduce into evidence to the hearing/trial with at least four (4) copies of each exhibit (i.e., copies for the Magistrate, the trial clerk, the other party, and witnesses). You MUST bring sufficient copies to the hearing/trial even if you have previously provided the other party with the same exhibits.**
- All case law and other non-exhibit documents that a party wishes the Magistrate to review must be provided to the Magistrate (a hard copy) and the other party (by email or hard copy) at least three (3) business days prior to the hearing/trial. If the hearing/trial is in person, hard copies should also be brought to the hearing/trial.
- No cell phones will be allowed during the hearing/trial. Documents, text messages, and emails stored on cell phones that have not been provided to the other party or attorney and printed out will not be considered.
- **The Magistrate will not print your exhibits. You are expected to bring enough 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 own personal computer/device. E-mailed video exhibits will not be accepted as evidence. Copies of the video must still be exchanged with the other party at least five (5) business days in advance of the hearing/trial and may be e-mailed to the other party for this purpose.

CONTINUANCES.

- If a case is set for a motion hearing, case management conference, a pre-trial conference, or trial and you want a continuance (for good cause), you must first contact the other party, or the other party's attorney, if represented, and determine if the other party or attorney stipulates or agrees to the continuance.
- If the other party stipulates to the continuance, please file a stipulated motion for continuance signed by **both parties AND the 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 may 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 other party or other party's attorney, if represented, but was unsuccessful or the other party or other party's attorney 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 (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/trial.
- 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/trial. 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 AND ONLINE RESOURCES FOR SELF-REPRESENTED LITIGANTS

- 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
- The Florida Courts offers an on-line guide to navigating the court system. You can find it here: <https://help.flcourts.gov/>
- The American Bar Association hosts a website where Florida attorneys will answer legal questions for free. You can find it here: <https://florida.freelegalanswers.org/>