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DIVISION 41 PROCEDURES

Judge Tom Young has adopted the following procedures for those practicing in Circuit Civil Division 41 in Osceola County, Florida. These procedures are supplementary and do not alter any law or rule adopted by the Florida Legislature or the Supreme Court of Florida or any administrative order of the Ninth Judicial Circuit Court. Questions not answered by these procedures may be directed to 41osceola@ninthcircuit.org.

These Procedures may be revised periodically to reflect changed circumstances, changed procedural rules, or developments in case law.

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1. COURT APPEARANCES BY CHILDREN AND YOUTH

- a. Every child or youth subject to a dependency proceeding is a party to the proceeding. § 39.01(61), Fla. Stat. (2024). Accordingly, the child or youth has the right to attend and participate in every proceeding in their case.
- b. Anytime the Guardian ad Litem or Case Manager has reason to believe that providing notice of upcoming proceedings would be meaningless or detrimental to the child, the Department of Children and Families (Department) or the Guardian ad Litem must file a motion to excuse notice to the child and must serve a file-stamped copy of the motion to Chambers. The motion must state the specific facts on which it is based. If notice would be meaningless or detrimental to a child because of the child's young age or another persistent circumstance, a single motion will suffice until a material change in the child's ability to participate in proceedings has occurred.
- c. Absent an order excusing notice to the child, the Guardian ad Litem and Case Manager must provide oral or written notice of all proceedings to every child. Notice must include a description of the matter(s) to be heard and decided, the date and time of the proceeding, and a statement that the judge welcomes the child's presence and participation in court, if they wish to attend either in person or through communication technology.
- d. If a child wishes to attend a proceeding, the Department or Guardian ad Litem must notify Chambers in advance by email to 41osceola@ninthcircuit.org. The notice to Chambers must state:
 - i. the child's desire to attend the proceeding;
 - ii. whether the child desires to speak to the judge outside the presence of other parties;
 - iii. whether the child prefers to attend in person or through communication technology; and
 - iv. whether the proceeding has been scheduled on a date and time, or for a length of time, that is incompatible with the child's ability to attend and participate in the proceeding. If the scheduled date and time, or amount of time allotted, for the proceeding are incompatible with the child's ability to attend and participate, the Department or Guardian ad Litem must propose at least one method for accommodating the child and, if necessary, must file a motion to continue or reschedule the proceeding.
- e. In most situations, a child's inability to attend in person should be subject to accommodation through communication technology. Accordingly, the Court expects the Case Manager and Guardian ad Litem to provide the child, caregivers, placements, and schools with the information necessary to access the Court's Webex videoconference technology. No caregiver or placement may

prevent the child's attendance at a court proceeding, whether in person or through Webex videoconference, as a means of incentive or discipline.

2. APPOINTMENT OF COUNSEL

If a party financially qualifies for appointed counsel and is statutorily or constitutionally entitled to counsel, the Court will appoint counsel after completion and submission of the required Affidavit of Indigency.

3. SHELTER HEARINGS

- a. Except on weekends and court holidays, during weeks that Judge Young has first appearance duty, or when another judge is covering the docket, shelter hearings will be held at 1:30 p.m. in Courtroom 4C of the Judge Jon B. Morgan Osceola County Courthouse. During weeks that Judge Young has first appearance duty, shelter hearings will be conducted immediately after conclusion of the first appearance docket.
- b. Parents or other legal custodians involved in a shelter hearing must appear in person and, if requesting appointment of counsel, must complete an Affidavit of Indigency and an address form.

4. COMMUNICATIONS WITH CHAMBERS

- a. Address all email only to 41osceola@ninthcircuit.org.
- b. Copy all opposing counsel and unrepresented parties on all correspondence to Chambers.
- c. Do not ask legal questions.
- d. Attach a file-stamped copy of the pleading, motion, or other paper related to the subject of the email communication. The Court will not rule unless the requisite pleading or motion setting forth the relief requested and the factual and legal bases for the relief has been filed.

5. REQUESTING HEARING TIME AND SETTING HEARINGS

- a. No notice of hearing may be filed or served before the Judicial Assistant has confirmed, in writing, that a hearing has been authorized by the Court. Unauthorized or premature notices of hearing may be struck without notice or opportunity to be heard.
- b. Before requesting hearing time, a written motion must be filed with the Clerk of Court.
- c. Available hearing time is reflected on aiCalendar (calendar.ninthcircuit.org/). Blocks of available hearing time may be added together for longer hearings.

- d. After selecting the preferred hearing date and time, email to Chambers a file-stamped copy of the motion(s) to be heard along with the following information:
 - i. Date and time requested for the hearing;
 - ii. Amount of time requested for the hearing;
 - iii. Whether an interpreter will be required and, if so, the language;
 - iv. Names of all involved attorneys and unrepresented parties; and
 - v. Date on which counsel met and conferred by telephone or videoconference in an effort to resolve the issue before requesting hearing time.
- e. If the Court approves the requested hearing time, the Judicial Assistant will email confirmation of the hearing, at which time the party requesting the hearing may file a notice of hearing. Hearing time will be not reserved or held; therefore, delays in filing a notice of hearing may result in loss of the requested hearing time to another party or case.
- f. A copy of the file-stamped notice of hearing must be promptly served to Chambers.

6. REQUESTING INTERPRETERS

All requests for language or sign language interpreters must comply with Administrative Order No. 2008-01-02, which requires counsel and unrepresented parties to inform the Judicial Assistant when scheduling the proceeding or as soon as the need for interpreter services is identified. The request must specify whether one or multiple interpreters are needed. Additionally, requests for:

- a. Spanish interpreters must be made at least two (2) business days in advance of the trial or hearing date;
- b. Creole, Portuguese and American Sign Language interpreters must be made at least 10 business days in advance of the trial or hearing date; and
- c. All other language interpreters must be made at least 30 days in advance of the trial or hearing date.

7. NOTICES OF HEARING

- a. Notices of hearing must include the exact title(s) of the motion(s) to be heard, the filing date(s) of the motion(s), the time for which the hearing is scheduled, the amount of time approved for the hearing, and the courtroom in which the hearing will be held.

- b. Notices of evidentiary hearing must be titled “Notice of Evidentiary Hearing” and must contain all information set forth in the preceding paragraph.

8. CANCELLATION OF HEARINGS

- a. Only the party who scheduled a hearing may cancel it.
- b. All hearing cancellations must be documented by the filing of a notice of cancellation.
- c. A copy of the file-stamped notice of cancellation must be served to Chambers after receipt of the file-stamped copy through the e-filing portal.

9. VIRTUAL APPEARANCES

- a. Attorneys having actual calendar conflicts with courts outside of Osceola County may appear for nonevidentiary hearings through Webex videoconference without first filing a motion for permission to appear remotely. An attorney’s abuse of the privilege of appearing remotely will result in revocation of the attorney’s privilege of appearing remotely and will require in-person attendance at all hearings and proceedings.
- b. In no event does an attorney’s remote appearance authorize any other party or participant to appear remotely. No party or participant may appear at any hearing or other proceeding remotely without first obtaining a court order authorizing a remote appearance.
- c. Parties or participants desiring to appear remotely through Webex videoconference must file a written motion demonstrating both good cause for remote appearance and possession of the hardware and reliable internet connection necessary for appearing through Webex videoconference.
- d. Remote appearances for evidentiary hearings are disfavored and will not be permitted for any attorney, party, or participant unless a written motion is filed and served to all parties at least 10 days in advance of the evidentiary hearing or other proceeding at which remote appearance is requested. The Court will consider motions filed with less than 10 days’ notice if, as in the case of emergency hearings, fewer than 10 days’ notice of hearing has been provided. All motions must demonstrate both good cause for remote appearance and possession of the hardware and reliable internet connection necessary for appearing through Webex videoconference.

10. COURTROOM PROCEEDINGS

- a. All dependency and parental termination proceedings are conducted in person unless otherwise ordered or authorized by the Court.

- b. Parties should wait outside the courtroom until their case is called. Witnesses must wait outside the courtroom until they are personally called into the courtroom.
- c. Once the case has concluded, parties and witnesses must exit the courtroom promptly so that the next case can be called.

10. PRETRIAL STATUS CONFERENCES:

- a. At least three (3) days in advance of pretrial status conferences, all parties must file a written pretrial statement identifying:
 - i. All witnesses that the party actually intends to call to testify. Witnesses must be identified by name, address, and telephone number;
 - ii. All exhibits that the party actually intends to offer at trial. Exhibits must be described with specificity and not by general description;
 - iii. All pending motions that must be addressed by the Court before trial;
 - iv. All outstanding discovery requests or disputes;
 - v. All other barriers to commencing and completing the trial when scheduled; and
 - vi. The amount of time required for trial.

Undisclosed witnesses will not be permitted to testify, and undisclosed exhibits will not be admitted into evidence.

- b. Issues that arise, or case developments that occur, after a pretrial status conference must be promptly brought to the Court's attention by email to Chambers. Where an issue or development requires action by the Court, a written motion must also be promptly filed, and a file-stamped copy of the motion must be served to Chambers.

11. ADOPTIONS

- a. At least 14 days' notice must be provided for all adoption hearings.
- b. No adoption hearing may be scheduled until a petition for adoption has been filed, the file contains all preliminary orders, and all appeals have concluded with finality or become time-barred.
- c. Adoption hearings are conducted in person unless the adoptive family lives more than 120 miles from the courthouse or other exceptional circumstances are demonstrated through a written motion. Adoption hearings conducted by communication technology are conducted only through Webex videoconference.

- d. Family members are welcome, and cameras are permitted.

12. PROPOSED ORDERS

- a. All proposed orders must be submitted in Microsoft Word format by email to 41osceola@ninthcircuit.org.
- b. All proposed orders must include:
 - i. A descriptive title that includes the name of the motion(s) addressed by the order and whether the order grants or denies or otherwise disposes of the motion;
 - ii. The filing date of the motion addressed and, if the order follows a hearing, the date(s) on which the hearing was held;
 - iii. The names of counsel and any unrepresented parties who appeared for any hearing or, if the order is unopposed, a statement that all parties have stipulated to rendition of the order.
- c. When the parties are unable to agree on the form of a proposed order or the Court has requested proposed orders from multiple parties, a statement to that effect must be included in the email transmitting the proposed order.
- d. Orders establishing a permanent guardianship may not be submitted until after the Court has conducted a hearing attended by the permanent guardian(s).

13. QUESTIONS

General questions and questions about procedural matters not addressed by these procedures may be directed to the Judicial Assistant via email to 41osceola@ninthcircuit.org.