

State of Florida
Ninth Judicial Circuit of Florida
www.ninthcircuit.org

Jeffrey L. Ashton
Circuit Judge

Orange County Courthouse
425 North Orange Avenue
Orlando, Florida 32801
407-836-2008

Keitra Davis
Judicial Assistant
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DOMESTIC VIOLENCE DIVISION 45 POLICIES AND PROCEDURES

It is undetermined when the courthouse will be open to full capacity to allow for an in-person hearing. At this time, all hearings in Division 45 will be via Microsoft Teams telephone conference for a non-evidentiary hearing or Microsoft Teams video conference for an evidentiary hearing.

PROPOSED ORDERS (WITH ACCOMPANYING MOTION AND COVER LETTER), HEARING REQUESTS, EMERGENCY MOTIONS, MOTIONS TO CONTINUE, MOTIONS FOR REHEARING AND NOTICE OF HEARINGS MUST BE SENT TO THE DIVISION'S EMAIL

ADDRESS AT:

45orange@ninthcircuit.org

(DO NOT SEND TO THE JUDICIAL ASSISTANT'S EMAIL ADDRESS TO AVOID DUPLICATION).

WHEN EMAILING THE JUDICIAL ASSISTANT FOR ALL MATTERS, INCLUDING DOCUMENTS SENT TO 45ORANGE@NINTHCIRCUIT.ORG, THE OPPOSING COUNSEL OR PRO SE LITIGANT MUST BE INCLUDED IN THE EMAIL OR YOUR EMAIL WILL BE TREATED AS EXPARTE COMMUNICATION AND DISCARDED.

EX-PARTE/SHORT MATTERS:

Please visit JACS for the specific weeks and instructions.

ATTORNEY UNCONTESTED DISSOLUTIONS (ATTY UNCONS):

For instructions for Final Judgment of Dissolutions of Marriage (Attorney Uncons) via electronic submission please visit link at

<https://www.ninthcircuit.org/about/judges/circuit/jeffrey-l-ashton>

MEDIATION:

Mediation is required in all Domestic cases in accordance with local amended Administrative Order 2004-14-02. All parties are required to attend mediation prior to requesting hearing

Division 45 Procedures
Revised: 09/01/20

time on any matter and prior to filing a Notice for trial. A Motion to Dispense with Mediation can be scheduled for hearing.

The parties may not be referred to mediation if there is a history of domestic violence except by court order.

TEMPORARY MATTERS:

All Parties are required to attend mediation on temporary matters before requesting hearing time on temporary relief. If there is no agreement, or only a partial agreement reached at mediation, a hearing may be scheduled.

SETTING A HEARING AND AVAILABLE HEARING TIME:

All Motions must be filed with the Clerk's office and viewable **before** hearing time can be requested. **At this time, all hearings in Division 45 will be via Microsoft Teams telephone conference for a non-evidentiary hearing or Microsoft Teams video conference for an evidentiary hearing. When requesting hearing time, please inform the judicial assistant if the hearing will be by telephone (non-evidentiary) or videoconference (evidentiary). See the Notice of Hearing section for more information.**

Before requesting a hearing, the mandatory "meet and confer" must be done, per Administrative Order 2014-19. **This includes with pro se litigants.** If the issue(s) are still unresolved, then a hearing may be requested. A Certificate of Compliance must be attached to the Notice of Hearing. A copy is attached to Administrative Order 2014-19 as an example. Failure to comply with this may result in the Court not having the hearing or not awarding attorney's fees.

All parties must comply with Administrative Order 2014-19 when attempting to coordinate a hearing. If after 3 attempts to coordinate, counsel or pro se party does not cooperate or respond, the requesting party may unilaterally set a hearing giving at least two weeks' notice to the opposing counsel or pro se party who failed to cooperate or respond. Efforts to coordinate the hearing should be noted on the Notice of Hearing.

Available hearing time may be obtained by going to the Court's website at www.ninthcircuit.org. **Refer to JACS for instructions and available dates/times. Under Services, click JACS; then under Select Calendar use the drop down menu to pick Domestic Violence Division 45; do not enter a minimum or maximum duration, then click Retrieve.**

The time-slots for Division 45 are 15 minutes. If a hearing requires more than 15 minutes,

combine consecutive time slots. MOTIONS REQUIRING MORE THAN 1 HOUR OF HEARING TIME NEED PRIOR APPROVAL (you may email your request to 45orange@ninthcircuit.org).

Use the available dates/times listed to coordinate with opposing counsel or pro se party. After it has been coordinated you **must e-mail** the Judicial Assistant at 45orange@ninthcircuit.org, copying opposing counsel or pro se party with all required information listed in the JACS instructions (please use the "outline" listed on JACS by copying and pasting into your email, then filing out the information). A hearing cannot be scheduled until all of the required information is provided. The Judicial Assistant will send an e-mail confirmation securing the hearing. The hearing time is not confirmed until you receive a confirmation email from the Judicial Assistant; do not notice the matter until received.

WHEN EMAILING THE JUDICIAL ASSISTANT FOR ALL MATTERS, INCLUDING DOCUMENTS SENT TO 45ORANGE@NINTHCIRCUIT.ORG, THE OPPOSING COUNSEL OR PRO SE LITIGANT MUST BE INCLUDED IN THE EMAIL.

Please visit link for court holidays before scheduling hearing at <https://www.ninthcircuit.org/about/court-holidays>

MATERIALS FOR HEARING OR TRIAL:

Copies of any memoranda, case law or any other materials on which counsel may rely on at a hearing or trial must be provided via email to 45orange@ninthcircuit.org or if over 50 pages then send via U.S Mail or hand deliver to chambers at least three (3) business days before the hearing date. Please see exhibit section for instructions on how to submit **evidence** for a hearing or trial.

SETTLEMENT/CANCELLATIONS:

Immediately notify the Judicial Assistant if a settlement is reached and a hearing or trial shall be canceled. A Notice of Cancellation should be filed, with notice to the opposing party and Judicial Assistant (email to JA at 45orange@ninthcircuit.org). Only the party who noticed a hearing may cancel it.

MOTIONS FOR REHEARING:

Once a Motion for Rehearing has been filed with the Clerk, a copy must be provided to chambers for review by the Judge. Emails to 45orange@ninthcircuit.org are accepted. The Court will either rule without a hearing or will advise the moving party to schedule a hearing.

EMERGENCY MOTIONS FILED BY ATTORNEY'S:

After filing a verified emergency motion with the Clerk, **you must email a copy to the Judicial Assistant** with a proposed order in word format to 45orange@ninthcircuit.org. The Court may enter an order without hearing or may set for a hearing without coordinating the date/time with the parties on an emergency or non-emergency basis.

MOTIONS TO CONTINUE:

Once a Motion to Continue has been filed with the Clerk, a copy must be provided to chambers for review by the Judge. It shall be the responsibility of the moving party to contact opposing counsel to determine if they object to the Motion for Continuance. If there is not an objection, a copy of the motion along with a proposed order shall be submitted to the Judge for review advising that the motion is unopposed. This is not a guarantee that the matter will be continued. Emails to 45orange@ninthcircuit.org are accepted.

If the opposing side objects or you are unsure of their position, the motion must be argued at the time that the hearing or trial is scheduled, or earlier if there is available hearing time on the judge's calendar. 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 at the scheduled time.

NOTICE FOR NON-JURY TRIAL:

The Parties must attend mediation, prior to filing a notice for non-jury trial to attempt a resolution of the case. After mediation is concluded, Form 51 (Cover Sheet Case At Issue) must be filed with a notice for non-jury trial. Parties are required to provide a copy of the notice, along with Form 51, to chambers. Emails to 45orange@ninthcircuit.org are accepted. Stamped addressed envelopes are **not** required.

PRETRIAL/TRIALS:

Once the Notice for Non-Jury Trial and Form 51 has been reviewed by the Court, a Uniform Order Setting Pretrial Conference and Non-Jury Trial will be entered.

Attorneys/pro se litigants are required to prepare a Joint Pretrial Statement and file with the Clerk of Court no later than five (5) days before the pretrial conference. A copy must be delivered to the Judge via US mail or email, no later than five (5) days before the pretrial conference. Refer to the Uniform Order Setting Pretrial Conference and for Non-Jury Trial for additional information. Failure to do so will result in sanctions that may include cancelling the trial, continuing the pre-trial, paying opposing party's attorney fees and costs,

fine or combination of the foregoing.

Once a trial date has been set, counsel/pro se litigants are required to email the Judicial Assistant (copying opposing party) a proposed Final Judgment with findings of fact, Parenting Plan and Child Support Guidelines (if children involved) in word format by 4:00 p.m. the day before trial. Emails to 45orange@ninthcircuit.org are accepted. Again, failure to comply may result in the trial being postponed/continued, paying opposing party's attorney fees and costs, fine or combination of the foregoing.

EXHIBITS/EVIDENCE:

1. No later than three (3) 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. After the substantive, good faith telephone conference and no later than three (3) business days before the hearing, the parties are to pre-mark the exhibits that they intend to using during the hearing, scan, and email those exhibits to 45orange@ninthcircuit.org along with an Evidence Control Sheet (see attached).
3. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit and identify the ground(s) of any objection. Such objections shall be emailed to 45orange@ninthcircuit.org, with the opposing side copied on any such correspondence.
4. Any party with an exhibit over ten (10) pages in length, must deliver hard copies to the judge's chambers located on the 11th floor of the Orange County Courthouse (Inbox is located in the hallway on the wall next to the telephone). The trial clerk will not be able to print any exhibits over 10 pages.
5. Videos can only be submitted as exhibits by providing the court with a flashdrive, cd or dvd by either hand-delivery to chambers at the Orange County Courthouse on the 11th floor and put in the judge's inbox in the hallway or send to chambers via U.S. Mail at 425 N. Orange Avenue, Orlando, Florida 32801.

NOTICE OF HEARING:

For hearings scheduled with the Judicial Assistant, all notices must include the exact title, filing date of the motion being addressed and a Certificate of Compliance in accordance with Administrative Order 2014-19. All parties are required to comply with Admin. Order 2014-19, paragraph 4. For hearings where coordination between the parties was unsuccessful due to no response, the Notice of Hearing must also include the dates and method used to attempt to coordinate a hearing.

It is undetermined when the courthouse will be open to full capacity to allow for an in-person hearing. At this time, all hearings in Division 45 will be via Microsoft Teams telephone conference for a non-evidentiary hearing or Microsoft Teams video conference for an evidentiary hearing.

Once the hearing date/time is confirmed, the judicial assistant will provide the language and information for your Notice of Hearing depending on if it will be by telephone or videoconference.

UNCONTESTED FINAL JUDGMENTS FOR PATERNITY OR SUPPLEMENTAL PETITIONS:

Uncontested Paternity Final Judgments and Supplemental Final Judgments may be submitted to the Judge's chambers for review. Please see "Orders" below. A hearing will not be required if all necessary documents have been filed.

SUPPORT OR INCOME WITHHOLDING ORDER:

When submitting an order or Final Judgment directing a party to make payments to the State Disbursement Unit, please submit an Income Withholding Order to be entered simultaneously by the Court. **It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to Statute.**

MOTIONS:

Uncontested motions may be submitted to the Judge's chambers for review at 45orange@ninthcircuit.org. See "Orders" below. Contested motions will require a hearing.

PROPOSED ORDERS:

All orders should include a complete title, not just the word "order" and should include the filing date of the motion and if hearing held, date of the hearing. Stipulated or agreed orders may be submitted to chambers via U.S. Mail, or emailed to

45orange@ninthcircuit.org for the Judge to review. A cover letter must be included with all orders submitted to chambers, with the opposing counsel's/party's position to the proposed order and cc: all parties. Orders will not be held, awaiting opposing counsel/party's position. All orders should contain a complete certificate of service ("copies to" or "copies furnished to" is not sufficient) including the names and addresses (if pro se party) of all parties receiving a conformed copy. All signed orders will be e-filed through the portal.

After a hearing is held, the Judge will direct counsel to email (copying all parties) the Judicial Assistant an agreed proposed order. Indicate in the email the date of the hearing and if opposing counsel or pro se party agrees to the proposed order. If the parties cannot agree on the order, the original order should be sent and in the email provide opposing counsel/parties objections. Do not email two orders. The order must be sent in word format. Emails to 45orange@ninthcircuit.org are accepted.

ADMINISTRATIVE ORDERS:

ALL PARTIES SHOULD BECOME FAMILIAR WITH THE ADMINISTRATIVE ORDERS FOR DOMESTIC RELATIONS CASES. The orders can be found on the Court's webpage ninthcircuit.org on the Judge's page or by clicking on Resources, Administrative Orders, Subject: Domestic Violence or Domestic Relations.

PRO SE LITIGANTS:

Pursuant to Administrative Order No. 2014-25, Section 4 (B)(2), "the unrepresented party will be governed by the same rules of law, procedure, and evidence that attorneys are required to follow".

INTERPRETERS:

The court will only provide interpreters for injunction cases, not the related divorce, paternity, or other cases. If you need an interpreter for a dissolution (divorce), paternity case, or any other non-injunction case, you must provide your own interpreter. The interpreter does not have to be a court-certified interpreter, but please utilize someone who understands English and your preferred language fluently. During COVID-19, all hearings will be held via telephone or video conference so the interpreter must be able to communicate privately and/or place the microphone on mute while interpreting to the party then unmute to translate to the Judge and others in English.

Please note: These procedures apply to Judge Jeffrey L. Ashton only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in the division for instructions.

Division 45 Procedures
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WHAT YOU NEED TO APPEAR REMOTELY VIA VIDEOCONFERENCE FOR COURT:

PROGRAM USED. The Court will be using Microsoft Teams to conduct Court proceedings.

DEVICE NEEDED. A desktop computer, laptop computer, tablet, or smartphone can be used for the hearing. A camera and a microphone IS REQUIRED for a videoconference. Please note, most devices have a built-in microphone and camera, and additional equipment will NOT be needed to participate in hearings. If you do not have any of this equipment available to you, please contact the judicial assistant at 45orange@ninthcircuit.org immediately upon receipt of this order or notice of hearing.

HOW TO ACCESS THE MICROSOFT TEAMS APP:

Upon receipt of these instructions and no less than 2 business days prior to the videoconference hearing, all participants (including any witnesses) shall download the free Microsoft Teams App from <https://teams.microsoft.com/downloads> (for a computer) or from the App Store on their smart phone or device.

Depending on the device you will use, the following instructions will help you download the Microsoft Teams app so that you are ready for the hearing:

1. Windows based device (most computers and tablets). The Microsoft Teams app can be downloaded from the Microsoft website for free. It is **strongly recommended** to download the program which will auto-launch when the link is clicked. Alternatively, the program can be accessed by clicking the link provided to the court if the user is operating on Microsoft Edge or Google Chrome web browsers.
2. Mac/Apple Based Products. The Microsoft Teams app can be downloaded from the Microsoft website for free. It is **strongly recommended** to download the program which will auto-launch when the link is clicked. Alternatively, the program can be accessed by clicking the link provided to the court if the user is operating on Microsoft Edge or Google Chrome web browsers. The program WILL NOT work with Safari web browser.
3. Android based mobile devices and tablets. It is **strongly recommended** that the Microsoft Teams app be downloaded (Free) from the Google Play Store and install it on your device. Allow camera and microphone access. Once the link is emailed to you, clicking the link will automatically launch the Teams program. Alternatively, the program can be used in your mobile web browser.
4. Apple/IOS based mobile devices and tablets. It is **strongly recommended** that the Microsoft Teams app be downloaded (Free) from the App Store and installed on your device. Allow camera and microphone access. Once the link is emailed to you, clicking the link will automatically launch the Teams program. Alternatively, the program can be used in your mobile web browser if you are using Chrome. This will reportedly NOT work with Safari.

PREPARING EVIDENCE/EXHIBITS FOR THE VIDEOCONFERENCE HEARING:

1. No later than **three (3) 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. After the substantive, good faith telephone conference and no later than **three (3) business days** before the hearing, the parties must email an Evidence Control Sheet (see attached) and the pre-marked exhibits they plan to use during the hearing to 45orange@ninthcircuit.org. **Please put the CASE NAME, CASE NUMBER, DATE and TIME OF HEARING in the subject line of the email for the court's reference. Please do not put anything additional in the subject line.**
3. Each exhibit should be a separate document. Do not put all of your exhibits in one single, continuous document. You can attach multiple exhibits to one email when you send them to the court. **Videos can only be submitted as exhibits into evidence on a Flashdrive, CD or DVD and either hand-deliver to chambers at the Orange County Courthouse on the 11th floor and put in the judge's inbox in the hallway or send to chambers via U.S. Mail at 425 N. Orange Avenue, Orlando, Florida 32801.**
4. Any party with an exhibit over ten (10) pages in length, must deliver a hard copies to the judge's chambers located on the 11th floor of the Orange County Courthouse (Inbox is located in the hallway on the wall next to the telephone).
5. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit and identify the ground(s) of any objection. Such objections shall be emailed to 45orange@ninthcircuit.org, with the opposing side copied on any such correspondence.

PREPARING WITNESSES FOR THE VIDEOCONFERENCE HEARING:

1. Pursuant to current COVID-19 CDC guidelines and orders from all levels of government, all participants must abide by social distancing requirements and limit in-person contact. As such, witnesses do not need to be present with the attorneys or self-represented parties during the videoconference hearing, and it is preferred that witnesses participate in the videoconference hearing remotely from their own home or office.
2. In the event the rule of sequestration is invoked, witnesses will be instructed to hang up from the videoconference and counsel or the self-represented party will be responsible for contacting the witness when it is time for their testimony.

3. The witness must be provided copies of all exhibits before the hearing.
4. The witness shall be instructed not to look or refer to any other document or device during his or her testimony.
5. Counsel and self-represented parties are responsible for providing these instructions to any witnesses and ensuring their compliance.
6. Witnesses are discouraged from being the same physical space as the attorney or self-represented party. However, in the event a witness or party testifying is in the same physical same as the attorney or self-represented party questioning the witness, the witness must be at least 6 feet away from any other person in the room and the camera shall be directed at the witness. The attorney or self-represented party may not assist the witness with answers in any way, including but not limited to gestures, notes, or facial expressions, or other otherwise impact or influence the witness' testimony "off camera."

PROCEDURES DURING THE VIDEOCONFERENCE HEARING:

1. At the beginning of the videoconference hearing, the judge will call the case and instruct all participants to announce themselves for purposes of the record.
2. All participants must place their microphones on mute unless they are speaking or wish to make an objection. Please be sure that you are in a quiet place where you will not be interrupted during the hearing.
3. Do not interrupt other speakers during the videoconference hearing, unless it is necessary to assert an objection.
4. If an interpreter is necessary, all participants shall speak slowly, in short complete sentences or questions, and allow time for translation. No one shall respond to a question posed by another participant until the question is translated.
5. Participants MAY NOT use the Microsoft Teams App to record the video conference or otherwise record the video conference without court permission.
6. All participants must ensure that no children are able hear or see the videoconference hearings.
7. All participants must identify anyone that is observing the proceedings with them. This is essential for the rule of sequestration to be effective and ensure the credibility of testimony.
8. No one may use a cell phone, computer, or any other device to communicate with anyone during the hearing, other than to appear before the court. You may not let anyone other than your lawyer send you information or communicate with you during the hearing.

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA

Case No.:
Division:

Petitioner,

vs.

Respondent.

_____ /

EVIDENCE CONTROL SHEET

| EXHIBIT # | EXHIBIT DESCRIPTION | MARKED | ADMITTED |
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| A | | | |
| B | | | |
| C | | | |
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