



**State of Florida
Ninth Judicial Circuit Court**

The Orange County Courthouse
425 N Orange Ave
Orlando, FL 328012
www.ninthcircuit.org

DOMESTIC VIOLENCE (DV) COURT

PLEASE NOTE: These procedures apply to Judge Shepard, Judge Wooten, and Judge Blackwell ONLY. For all other matters not specifically included herein, please feel free to contact the Judicial Assistant for additional information.

A. CURRENT DOMESTIC VIOLENCE (DV) COURT JUDICIAL ASSIGNMENTS:

Division 44: The Honorable Kim Shepard, Circuit Court Judge
Judicial Assistant: Jamie Hunt – 407-836-2350 – E-Mail: ctjajh1@ocnjcc.org

Division 45: The Honorable Wayne Wooten, Circuit Court Judge
Judicial Assistant: Sharice Hall – 407-836-2121 – E-Mail: ctjash1@iocnjcc.org

Division 46: The Honorable Alice L. Blackwell, Circuit Court Judge
Judicial Assistant: Jennifer Hough – 407-836-2084

B. COURTROOMS

16-A HEARINGS SET BY COURT (Note: These hearings are not coordinated with counsel or the parties.)

Monday - Friday 9:00-10:30 am and 1-2:30 p.m.

Violation Hearings, Pro Se Modification Hearings, Batterer's Intervention Hearings and Compliance Hearings are set by the Court.

16-B INJUNCTION RETURN HEARINGS

Monday – Thursday 8:30 am and 1:00 pm
Friday 8:30 am

Parties and counsel must appear when noticed in order to participate in the intake process and to prepare the paperwork for their cases.

16-C ATTORNEY UNCONTESTED DIVORCES

Tuesday – Thursday 8:30 – 9:00 am.

Please see the attached Attorney Uncon Procedures for Orange County. Attorneys are required to schedule their hearings ahead of time.

16-D HEARINGS AND TRIALS INCLUDING RELATED DOMESTIC CASES

Each Judge has a hearing week that occurs once every three weeks. Hearings during this week are scheduled with the Judicial Assistant for each Judge at available times.

C. SPECIFIC MOTIONS/HEARINGS

1. **Reassignments:** Pursuant to Administrative Order 2014-09-01, “only after the entry of a final judgment on a domestic violence injunction and by Order of the Family Court Division Administrative Judge, only those domestic relations cases with an active related domestic violence case shall be assigned/reassigned to the domestic violence subdivision that entered the final domestic violence injunction.” Domestic Relations (DR) case assignments such as Paternity, Child Support, Dissolution, etc. will be reviewed by the Administrative Judge on a case-by-case basis upon request by the DR Judge to which the case is assigned. Domestic Violence and Domestic Relations cases may not be consolidated.
2. **Ex Parte/Short Matter Hearings:** The DV divisions **DO NOT** have *ex parte*/short matter time. Please contact individual Judicial Assistants regarding emergency *ex parte* hearings.
3. **Requests for Emergency Hearings:**
 - a. All emergency motions must be filed with the Clerk’s office and delivered to the Judge’s office.
 - i. You may contact each individual Judicial Assistant regarding preferred method of delivery.
 - b. Once the Clerk has the original motion, a copy of the motion must be sent to the Judge for review along with a proposed order, copies to conform, and self-addressed stamped envelopes. The Court will:
 - i. Enter a ruling on the motion without a hearing; or

- ii. Enter a ruling on the motion without a hearing and set a hearing on an expedited basis; or
- iii. Set a hearing for the motion to be heard.

4. Requests for Telephonic Hearings:

- a. Motions for telephonic hearing must be filed with the Clerk's office.
- b. Once the Clerk has the original motion, a copy of the motion must be sent to the Judge for review along with a proposed order, copies to conform and self-addressed stamped envelopes. The motion will be reviewed.
- c. If the motion is granted, an order with the Court's instructions for telephonic appearance (see attachment) sent to each party in the case.

5. Requests for Rehearings:

- a. The motion for rehearing must be filed with the Clerk's office.
- b. Once the Clerk has the original motion, a copy of the motion must be sent to the Judge for review along with a proposed order, copies to conform and pre-stamped/addressed envelopes. The Court will:
 - i. Enter a ruling on the motion without a hearing, or
 - ii. Enter a ruling on the motion without a hearing and set a hearing.

6. Motions to Continue:

- a. All motions must be filed with the Clerk's office before it is reviewed by the Judge.
- b. 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, or the non-moving party is unrepresented, please contact the individual Judicial Assistant to determine preferred method of delivery. If there is an objection to the continuance and time is available, you may request a hearing time prior to the hearing. Otherwise, you will have to argue the motion at the time of the hearing.

7. Other Motions:

- a. All motions must be filed with the Clerk's office before it is reviewed by the Judge and/or before a hearing time will be confirmed.
- b. This section relates to motions requiring hearings other than those listed above under "Hearings Set By Court."
- c. Before coordinating a hearing time, counsel shall comply with Administrative Order 2014-19, specifically the "meet and confer" portion of the order. After compliance, hearing time may be acquired by going to the Court's webpage at www.ninthcircuit.org. Please refer to the JACS section in this manual for instructions.
- d. It is the responsibility of the moving party to select and coordinate a date with opposing counsel and then contact the Judicial Assistant to confirm the hearing time. If the non-moving party is unrepresented, after attempting to confer, Counsel may select a date and time from JACS and contact the Judicial Assistant to confirm the hearing. You may contact Judge Blackwell's Judicial Assistant by

telephone at 407-836-2084. If you reach voice mail, PLEASE leave your name, which attorney you are calling for and the return phone number. Please leave the case style, counsel for each party, case number, and what type of hearing is requested. The Court must authorize a request for more than one hour of hearing time. These requests can be addressed at a separate hearing time.

- e. A Notice of Hearing should not be sent out until the Moving Party has received confirmation (either written or verbal) from the Judicial Assistant.
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D. MEDIATION AND TRIAL

1. Mediation:

- a. Mediation is required on all Domestic Relations cases in accordance with the Administrative Order 2004-14-02. A motion to dispense from mediation can be filed with the Clerk and a hearing scheduled. The attorney must bring a proposed order to the hearing along with copies to conform, and self-addressed stamped envelopes, if copies are to be mailed.

2. Temporary Matters (Form 53):

- a. Parties are required to attend mediation on temporary matters before requesting hearing time.
- b. File Form 53 with Dispute Resolution to schedule mediation. Form 53 may be faxed to 407-836-2367.
- c. If, after mediation, the parties are unable to agree on temporary matters, or if there is an impasse, time will be made available on the court calendar as soon as possible. Motions to dispense with mediation can be set for a hearing for those parties with a history of domestic violence.

3. Prior to Trial (Form 50 and Form 51):

- a. The parties must return to mediation to attempt a resolution. Form 50 should be prepared and faxed to Dispute Resolution for scheduling of mediation. After mediation is concluded, Form 51 and a Notice for Non-Jury Trial should be filed with the Clerk's office or via the E-Portal. Self-addressed stamped envelopes should be provided directly to the Judge's chambers with a courtesy copy of both the notice and Form 51 in order for a trial to be scheduled. Forms that are merely filed with the Clerk of Court and are not submitted directly to chambers with self-addressed stamped envelopes will not be processed.

4. Scheduling Conferences and Trials:

- a. After a Notice for Non-Jury Trial and Form 51 are received by the Court, an order setting non-jury trial and scheduling conference will be sent to the counsel of record and/or pro se litigants. Attorneys and pro se litigants are required to file a pre-trial memorandum as directed in the trial order at least five (5) days prior to the scheduling conference. A copy should be mailed or hand delivered to the Judge's Chambers.

5. Settlement:

- a. Please notify the Judge immediately if settlement has been reached.
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ATTACHMENTS ON NEXT PAGE

**ATTORNEY UNCONTESTED DISSOLUTION HEARINGS AND CHECKLIST
(FOR ORANGE COUNTY ONLY)**

1. Final hearings for Attorney Uncontested Dissolutions (attorney uncons) will be heard by the following divisions (regardless of the division to which this case is assigned):
 - Division 46: case numbers ending 0-3
 - Division 45: case numbers ending 4-6
 - Division 44: case numbers ending 7-9
2. To schedule a final hearing, select an available date and time from the attorney uncon designated time period on the appropriate division's Judicial Automated Calendaring System (JACS) on the Ninth Circuit's website, <http://www.ninthcircuit.org/services/jacs>
3. The date and time for the attorney uncon MUST BE CONFIRMED with the judicial assistant (JA) before filing & serving the Notice of Hearing. To schedule an uncon in Div. 46, please verify that all items have been filed in compliance with the Verified Checklist and contact Judge Blackwell's Judicial Assistant at 407-836-2084. Please also note that Judge Blackwell does **not** require a courtesy copy of the Notice, Checklist and Final Judgment to be sent to her in advance of the hearing.
4. No later than 2 business days after scheduling the final hearing with the JA, a Notice of Hearing with attached verified checklist must be efiled.
5. If a Default has been entered, the final hearing must be set before the assigned division judge, per the Division's procedures.
6. The files will be tabbed electronically by the judge's staff. Counsel will no longer be required to bring the physical court file with the pleadings tabbed to the final hearing. The judge's trial clerk will print a copy of the e-filed Agreement(s) from the court file to be entered into evidence at the hearing.
7. Upon review of the case, the Judge may request his/her JA to contact counsel to file amended or additional pleadings and to submit the proposed Final Judgment to the Judge prior to the final hearing.
8. If the Judge determines the file is incomplete or the requested additional pleadings are not timely filed, the final hearing is subject to cancellation.
9. If you seek a deviation from the Child Support Guidelines, or any other requirements outlined in the Checklist, please file the appropriate motion. These motions shall be heard by the assigned division Judge prior to setting your uncon hearing.
10. Counsel shall bring the original Final Judgment with an appropriate certificate of service for the judge's signature, as well as copies for conforming at the time of the hearing.

11. Cases will be called on a first come, first served basis.

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

In re: The Marriage of

CASE No.

Petitioner

and

Respondent.

_____ /

**VERIFIED CHECKLIST AND PROCEDURE FOR
ATTORNEY UNCONTESTED DISSOLUTION OF MARRIAGE**

CHECKLIST: Please certify all relevant items listed below are in the court file. **If any required listed item is missing or the certified and signed checklist not attached to the Notice of Hearing, the scheduled final hearing may be cancelled.**

HEARINGS: Final hearings for attorney uncontested dissolutions (attorney uncon) will be heard by the following divisions (regardless of the division to which this case is assigned):

Division 46: case numbers ending 0-3;

Division 45: case numbers ending 4-6;

Division 44: case numbers ending 7-9.

SCHEDULING: To set a final hearing, select an available date and time from the attorney uncon designated time period on the appropriate division's (see above) Judicial Automated Calendaring System (JACS) on the Ninth Circuit's website,

<http://www.ninthcircuit.org/services/jacs>

CONFIRM DATE: The date and time for the attorney uncon **MUST BE CONFIRMED** with the judicial assistant (JA) before filing & serving the Notice of Hearing.

NOTICE OF HEARING & CHECKLIST: No later than 2 business days after scheduling the final hearing with the JA, a Notice of Hearing with attached verified checklist must be filed and a courtesy copy delivered to the Judge with the proposed final judgment.

Fill in date each of the following was filed:

_____ Notice

- _____ Notice of Hearing
- _____ Civil Cover/case information sheet
- _____ Notice of Related Cases
- _____ Petition for Dissolution
- _____ Answer

Date Filed

- _____ Copy of driver’s license, Florida ID card, Florida voter registration card or Affidavit of Corroborating Witness with proper ID. (Please redact any sensitive information as required by law)
- _____ Notices of social security numbers
- _____ Financial Affidavits of both parties
- _____ Marital Settlement Agreement (state in FJ “identified as Exhibit 1 and filed herein”). It should be filed separately from the Final Judgment.
- _____ Confirm there are no pending Motions

CASES WITH MINOR CHILDREN: THE FOLLOWING ARE ALSO REQUIRED:

- _____ UCCJEA: confirm the court has jurisdiction over child(ren)
- _____ Certificates of completion of parenting class for both parties
- _____ Parenting Plan (state in Final Judgment “identified as Exhibit 2 and filed herein”) This should be filed separately from the Final Judgment.
- _____ Child Support Guidelines Worksheet. (must match the child support stated in the FJ.) Motions to Deviate Child Support must be ruled upon by the case’s assigned division judge before the final hearing is scheduled.
Date of Order on Motion to Deviate: _____.
- _____ Child support payment provisions through the Florida Disbursement Unit (FSDU) unless authorized by the Court in the final judgment.

Bring Final Judgment with attachments and complete certificate of service including both parties to the Final Hearing.

I hereby certify that all of the above relevant items are in the court file and the case is ready for an uncontested final hearing.

Date

Name:

Florida Bar Number: Attorney for:

Address:

Email Address(es):

Phone:

INSTRUCTIONS FOR TELEPHONIC APPEARANCE AT HEARINGS OR TRIALS BEFORE JUDGE SHEPARD, JUDGE WOOTEN AND JUDGE TRAVER (CALL JA FOR COURTROOM TELEPHONE NUMBERS)

Attorneys and parties have a limited right to appear for hearings or trials by telephone with prior permission of the Court. *See Fla. R. Jud. Admin. 2.530 (c) & 2.530(d)(1)*. The procedure requires that the requesting party contact opposing counsel or the opposing party, and determine if they consent. A motion must then be filed setting forth the good cause and an order obtained from the Court. *See Fla. R. Jud. Admin. 2.530(d)(2)*.

If the Court grants your request to appear by telephone, a notary public or other person authorized to administer oaths must be present with the person placing the call or testifying to administer the oath. *See Fla. R. Jud. Admin. 2.530 (d)(3)*. It is the responsibility of the party or attorney requesting the telephonic appearance to arrange the telephone call and comply with the provisions of this procedure.

The speaker phones provided the Court will not allow two parties to speak at the same time. It is therefore necessary that the party calling in pause before answering a question. Further counsel must pause after each sentence or two to allow for objections by the other party and rulings thereon by the Court. If one party is speaking by phone and an objection is offered, the Court must rule on the objection. If the party appearing by telephone does not yield the telephone line, the Court may be required to disconnect the call and rule on the matter without the input from the counsel or party who requested to appear by telephone.

Telephonic appearances, by their nature, require that certain rights may be forfeited and procedures be followed. By appearing by telephone, the attorney or party may forgo the opportunity to review any exhibits, demonstrative aids or case law provided to the Court by the attorney(s) or parties who attend in person.
