



State of Florida
Ninth Judicial Circuit of Florida

Elizabeth Gibson
CIRCUIT JUDGE

ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVENUE,
COURTROOM 10-B
ORLANDO, FLORIDA 32801
WWW.NINTHCIRCUIT.ORG

Megan Swain
Judicial Assistant
(407) 836-2266
30orange@ninthcircuit.org

DOMESTIC RELATIONS - DIVISION 30 PROCEDURES (REVISED 12/26/2024)

WHEN EMAILING THE JUDICIAL ASSISTANT FOR ALL MATTERS, THE OPPOSING COUNSEL OR PRO SE LITIGANT MUST BE INCLUDED.

ALL REQUESTS MUST BE PUT IN THE FORM OF A MOTION AND PROPERLY FILED WITH THE CLERK OF COURTS. THE COURT WILL NOT ACCEPT OR RESPOND TO ANY EMAIL REQUESTS. ANY REQUESTS IMPROPERLY SENT VIA EMAIL WILL BE IGNORED.

Courtroom: All hearings are held in Courtroom 10-B.

Discovery

Motions:

Prior to any discovery motion being set for hearing, the moving party must file proof of having communicated specifics of the dispute to the opposing party prior to filing a motion and any response received. This proof must be included with the motion. After a discovery motion has been filed the responding party must file a written response including their communications on the issue and also detailing what is and is not forthcoming or available by reasonable means. Fees will generally be awarded at discovery hearings and therefore, affidavits of fees should be filed prior to the hearing date.

Attorney

**Uncontested Final
Hearings:**

Attorney Represented Uncontested Dissolution of Marriage final hearings for Division 30 may be scheduled with the Judicial Assistant for 15-minute hearings. If there are any Motions related to the Final Judgment (i.e., Motions to Deviate), please provide an email copy to the Court at least three business days prior to the hearing. The Attorney Uncontested Dissolution Checklist must be completed and emailed to the Court, along with the proposed Final Judgment and all agreements,

at least three (3) business days prior to the hearing. The proposed Final Judgment should be emailed to the Court in **PDF format** using **Times New Roman ONLY** (size 12). The checklist can be found on the Judge's page of the Ninth Circuit website (www.ninthcircuit.org). **The Parenting Plan and any Marital Settlement Agreement must be incorporated into the Final Judgment as Exhibits.** Please remember that any Final Judgment in a case with children must include full names and dates of birth of the child and all child support details. Failing to submit the required documents may result in cancellation of the hearing.

Uncontested Final Hearings may also be conducted in writing without the need for attorneys or parties to appear by filing a Motion/Waiver for Written Final Hearing in the Court's approved format. The Written Final Hearing checklist must be submitted to the Court by email along with all applicable agreements and the proposed Final Judgment in **PDF format** using **Times New Roman ONLY** (size 12). These documents can be found on the Judge's page of the Ninth Circuit website (www.ninthcircuit.org).

**Support Or Income
Withholding
Orders:**

When submitting an order or Final Judgment directing a party to make payments to the State Disbursement Unit, please submit an Income Deduction Order (with attached Income Withholding Order if there is child support) to be entered simultaneously by the Court. If the hearing is in person, sufficient copies and self-addressed, stamped envelopes for the parties must be provided. It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to Statute. Sample forms for IDO and IWO may be found on the Judge's page of the Ninth Circuit website (www.ninthcircuit.org).

**Uncontested
Paternity
Final Judgments/
Supplemental
Final Judgments:**

Uncontested Paternity Final Judgments and Supplemental Final Judgments may be emailed to the Judicial Assistant for review by the Judge **without a hearing** if all required documents have been filed. Please provide an email copy to the Judicial Assistant and include a cover letter stating whether the Final Judgment is agreed upon.

Adoptions:

Hearings on adoptions must be specially set with the Court and a courtesy copy of the pleadings and proposed Final Judgment sent via email at least three business days prior to the hearing. All available hearing time is located on the aiCalendar webpage at [Domestic Relations Division 30 - 9th Judicial Circuit Court Calendar \(ocnjcc.net\)](http://Domestic Relations Division 30 - 9th Judicial Circuit Court Calendar (ocnjcc.net)). Family members are welcome and cameras are allowed.

Name Changes:

Attorney represented Name Change must be specially set with the Court and a courtesy copy of the pleadings and proposed Final Judgment sent via email at least three business days prior to the hearing. If the hearing is held in person, a hard copy of the proposed Final Judgment should also be brought to the hearing. All available hearing time is located on the aiCalendar webpage at [Domestic Relations Division 30 - 9th Judicial Circuit Court Calendar \(ocnjcc.net\)](http://Domestic Relations Division 30 - 9th Judicial Circuit Court Calendar (ocnjcc.net)).

Pro se name changes will be scheduled through Family Court Services.

Cancellations: Please notify the Court *at least* 24 hours in advance of any cancellations so that the hearing time can be offered to other parties. **A Notice of Cancellation should be emailed to the Judicial Assistant at the time the Notice of Cancellation is filed with the Clerk.** If the Notice of Cancellation is not received at least 24 hours prior to the scheduled hearing and you do not receive a confirmation of cancellation from the Judicial Assistant, that hearing will remain on the Docket and parties are expected to appear.

Emergencies: Emergency motions must be **e-mailed** to the Judicial Assistant at 30orange@ninthcircuit.org for the Court's review, along with a proposed Order in **Word format**, using **Times New Roman ONLY** (size 12). The Court will enter an order without a hearing, enter an order setting a hearing in the near future, or set a hearing as soon as possible. **Emergency motions must be verified.**

The emergency motion process should rarely be used. **Emergencies requiring immediate action generally only arise when a child is threatened with harm or where a party plans to improperly remove a child from the state.** *See Loudermilk v. Loudermilk*, 693 So. 2d 666 (Fla. 2d DCA 1997). If one of these circumstances exists or another circumstance that rises to the level that would require immediate action to prevent harm, a party may file an emergency motion. The unwarranted designation of a motion as an emergency motion may result in sanctions. **The lawyer or pro se litigant filing an emergency motion must certify that the matter is a true emergency by including the following certification before the signature block in the motion:**

I certify that this motion presents a true emergency (as opposed to a matter that may need only expedited treatment) and requires an immediate ruling. Absent immediate action, [a child may suffer harm], [a child may be improperly removed from the state], or [describe the emergency]. I understand that the unwarranted designation of a motion as an emergency may result in sanctions.

Failure to include this certification may result in denial of the motion.

A party whose time-sensitive motion does not qualify as an emergency motion but that requires an expedited ruling may file an expedited motion. An expedited motion must include the words "Expedited Motion" in the title and must set forth in detail the reason why the motion requires an expedited ruling. As a general matter, an expedited motion is one that will become moot if not ruled on by a certain date.

**General
Magistrate:**

If you wish to have your case heard by the General Magistrate, file a Motion for Referral to the General Magistrate and provide the Court an email copy, including the motion/issues you wish to have referred to the General Magistrate. The Court will issue an Order of Referral to the General Magistrate.

Hearings:

Prior to requesting a hearing, the mandatory “meet and confer” must be done per Administrative order 2014-19. This includes matters 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. Failure to comply with this may result in the Court not having the hearing or not awarding attorney’s fees. If attempts to conduct a “meet and confer” are not able to be made due to opposing parties non-response, an email may be sent to 30orange@ninthcircuit.org with proof of efforts to schedule the “meet and confer” for consideration.

For hearings in front of the Judge, please refer to the aiCalendar webpage at [Domestic Relations Division 30 - 9th Judicial Circuit Court Calendar \(ocnjcc.net\)](http://DomesticRelationsDivision30-9thJudicialCircuitCourtCalendar.ocnjcc.net) for available dates and times. You must coordinate the hearing time with opposing counsel/pro se litigant **PRIOR** to emailing the Judicial Assistant. Once a date/time has been confirmed by **both** parties, you must email the Judicial Assistant, **include opposing counsel or pro-se litigant**, in order to secure hearing time. **No hearings are set via phone.** If attempts to coordinate a hearing time are not successful, an email may be sent to 30orange@ninthcircuit.org with proof of efforts to coordinate the hearing, for consideration. This must be in accordance with Administrative order 2014-19.

All requests for hearings must include a copy of the motion to be heard and the following information:

- (1) the Case Number;
- (2) Petitioner’s name and attorney;
- (3) Respondent’s name and attorney;
- (4) Hearing date and time requested (**please give at least two options**);
- (5) Length of hearing;
- (6) Title of the Motion to be heard and filing date;
- (7) whether the hearing is evidentiary;
- (8) Date the mandatory meet and confer was conducted per Administrative Order No. 2014-19;
- (9) Date the mandatory mediation was conducted per Administrative Order No. 2004-14-02; and
- (10) Date Hearing was coordinated.

HEARING REQUESTS MAY TAKE UP TO 72 HOURS TO REVIEW. PLEASE REFRAIN FROM SENDING FOLLOW UP EMAILS BEFORE THIS TIME. FOLLOW UP EMAILS WILL BE IGNORED.

Non-evidentiary hearings of thirty minutes or less may be scheduled by Zoom without prior permission from the Court as long as all parties agree to conduct the hearing by Zoom. **Evidentiary hearings, hearings longer than thirty minutes, or hearings which the parties do not agree to conduct by Zoom will be held in person** unless the Court grants prior permission for the hearing to be conducted by Zoom. **Zoom hearings will be held on designated Wednesdays only. Please refer to Judge Gibson’s aiCalendar for availability.**

Do not file a Notice of Hearing until you have received an email confirmation from the Judicial Assistant.

Cross-notice are not allowed without agreement of opposing party and approval from the Court.

Notice of Hearing: Notice of Hearing should include the full name of the motion and filing date, the length of the hearing, and a Certificate of Compliance per Administrative Order No. 2014-19.

If the hearing will be conducted via Zoom, the Notice of Hearing must also include the following language:

All Parties MUST appear via Zoom Video Conference. When it is time for your hearing cut and paste this address into your internet browser: www.zoom.us/my/orange30 or from the Zoom app use Meeting ID# 4078360000. You will then wait in a waiting room until your Hearing is called and the Judge joins the Conference. FOR ALL VIRTUAL HEARINGS, PARTIES MUST APPEAR USING BOTH AUDIO AND VIDEO. **PARTIES MUST ALSO APPEAR USING THE NAME ASSOCIATED WITH THEIR CASE.** IF PARTIES CANNOT OR DO NOT HAVE VIDEO CAPABILITY, THIS MUST BE SET FOR AN IN-PERSON HEARING.

**Short
Matters:**

Short Matters will be held on *designated Wednesdays*, from 9:30 am to 10:00 am and will be held virtually via Zoom. Short Matters time is for short legal arguments of five minutes or less with no testimony or evidence presented. No court reporters allowed. **Discovery motions are not permitted at short matters.**

Available Wednesday Short Matters hearing time is located on the aiCalendar webpage at [Domestic Relations Division 30 - 9th Judicial Circuit Court Calendar \(ocnjcc.net\)](http://Domestic Relations Division 30 - 9th Judicial Circuit Court Calendar (ocnjcc.net)). A hearing request must be sent to 30orange@ninthcircuit.org to secure Short Matters hearing time. A Notice of Hearing should NOT be filed until a confirmation email has been received from the Judicial Assistant.

The Notice of Hearing for Short Matters must also include the following language:

All Parties MUST appear via Zoom Video Conference. When it is time for your hearing cut and paste this address into your internet browser: www.zoom.us/my/orange30 or from the Zoom app use Meeting ID# 4078360000. You will then wait in a waiting room until your Hearing is called and the Judge joins the Conference. FOR ALL VIRTUAL HEARINGS, PARTIES MUST APPEAR USING BOTH AUDIO AND VIDEO. **PARTIES MUST ALSO APPEAR USING THE NAME ASSOCIATED WITH THEIR CASE.** IF PARTIES CANNOT OR DO NOT HAVE VIDEO CAPABILITY, THIS MUST BE SET FOR AN IN PERSON HEARING.

**Temporary
Custody
Hearings:**

Prior to scheduling any non-emergency temporary hearings, the PARTIES MUST ATTEND MEDIATION. Also note that only one temporary hearing will be set. If a further hearing is needed, counsel should email the Judicial Assistant before scheduling additional time or notice it for trial.

Virtual

Appearances:

If a party requests that an individual party, attorney or witness be permitted to appear remotely at an in-person hearing, a Motion for the individual to appear remotely must be submitted **at least 10 business days** prior to the hearing, with a copy sent to the opposing attorney or pro se litigant. Counsel shall also send a courtesy copy of the filed Motion, along with a proposed order in Word format, to the Judicial Assistant at 30orange@ninthcircuit.org.

Mediation:

Mediation is required in all Domestic cases in accordance with local amended Administrative Order 2004-14-02. The parties are to mediate prior to scheduling hearing time on temporary matters as well as prior to filing a Notice for Trial. When submitting any hearing request, parties must include the date of the last mediation.

Scheduling

Conference/Trials:

Notice for Trial: If either party believes their case is ready for trial, they shall file a Notice of Trial in compliance with Family Rule of Procedure 12.440 (also see 12.924). **Once a Notice for Trial has been properly filed with the Clerk of Court, a courtesy copy MUST be emailed to the Judicial Assistant at 30orange@ninthcircuit.org for further review.** The Court may set the case for a case management upon receiving the notice if the parties have filed:

1. Financial affidavits within the past 12 months.
2. Certificates of mandatory disclosure (12.285)
3. UCCJEA affidavit (if applicable)
4. Social Security Notice (F.S. 61.052(7) or 742.032)
5. A Mediation report or certificate from the past 12 months.
 - a. If mediation is not appropriate, counsel or pro se litigants shall file a Motion to dispense with Mediation and set it for hearing at ex parte/short matters.
 - b. Both parties should note that the current Administrative Orders governing Paternity and dissolutions state “*Mediation is encouraged early in the proceedings and required prior to scheduling a hearing on temporary relief and prior to noticing the case for trial. Several mediation conferences should be held in all cases when required and in order to accomplish a result that both parties fully understand and with which they are both comfortable.*”
6. If the case is a dissolution of marriage with children or a paternity case, parenting class certificates must be filed with the Clerk’s Office pursuant to state law and the circuit’s administrative order.
7. Any other filings required by law.
8. Pursuant to Administrative Order 2004-14 entered on June 29, 2004, counsel or pro se litigants shall attach Form 51 to their Notice of Trial.
 - a. Form 51 is available from the Court’s website (<https://www.ninthcircuit.org/sites/default/files/Form%2051.pdf>).

Case Management Conference:

Upon receipt of a Notice for Trial, most cases shall be first set for a Case Management Conference. Prior to the conference, the parties shall meet to discuss any stipulations, issues, and the posture of the case. The parties are expected to be prepared to comply with any and all of the requirements of Florida

Family Rule 12.200(a).

All parties must be present for Case Management Conferences and the hearing **must be held in person**. Parties are to follow the **hearings** subsection when scheduling a Case Management Conference.

Exhibits and Case Law

For all hearings and trials, the following rules apply unless a specific Court order in the case provides otherwise:

- (1) No later than four (4) business days before the hearing, counsel and/or pro se parties shall exchange any and all exhibits and witness lists and have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits/witnesses. 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) The objections must be filed and any objections not noted are deemed waived.
- (3) **FOR ALL hearings and trials**, all exhibits must have an exhibit tag attached and filled out **prior** to showing it to any witness. Exhibit tags can be obtained from the Clerk of Courts office. Any exhibits not pre-marked may be excluded.
- (4) Parties must email copies of all exhibits to the Judicial Assistant at least three (3) business days prior to the hearing or trial. Do not deliver hard copies to the Judge prior to the hearing or trial. Each exhibit should be sent as an individual PDF file, unless the file is a video or other file that cannot be provided in PDF format. The name of the file must state the Party offering the exhibit, the word "Exhibit", the exhibit letter for identification, and a short description of the exhibit, such as the following example: "Petitioner's Exhibit 1 – Car Title".
- (5) All case law and other non-exhibit documents that a party wishes the Court to review must be provided to the Court and the opposing party by email at least three (3) business days prior to the hearing or trial. Each case or document should be provided as a separate file. If the hearing is in person, hard copies should also be brought to the hearing.
- (6) If files are too large to send by email, provide the files to the Court via a file sharing link such as Dropbox, Google Drive or OneDrive. Do not send a CD or flash drive.

Motions for Rehearing:

Courtesy copies of Motions for Rehearing should be **emailed** to the Court at 30orange@ninthcircuit.org for review. After review, the Court may enter a ruling without a hearing; notify the moving party that the hearing will be set on the Motion for Rehearing or notify the moving party that the Motion for Rehearing has been granted and a new hearing on the original motion shall be scheduled.

Orders:

If the Court requests counsel to prepare an order at the hearing/trial, counsel shall prepare and submit the order to the Court **via email within 5 days** unless a different deadline is set by the Court at the hearing. Counsel should submit the proposed order to opposing counsel/pro se litigant for approval **before** submitting it to the Court via email, with a cover letter stating that the Order is agreed upon. If the parties cannot agree on the form of the order, and BOTH parties are represented, the attorneys shall email **ONE** proposed order with their differences redlined to the Judicial Assistant.

If the differences in the proposed Orders are so significant that a redline is not practical, the attorneys may submit two separate proposed Orders. If one or both parties are unrepresented, then each side shall email their proposed Order to the Judicial Assistant for the Court to review. The Court will render one Order after review. Please do not submit a hard copy order and ask the Court to hold it pending approval by the opposing party. If the other side does not respond timely to a request for approval of a proposed Order, email your proposed Order to the Judicial Assistant explaining that the time frame has lapsed and opposing counsel was unresponsive. Any party failing to provide an Order within 5 days when the parties do not agree waives their opportunity to object.

All Orders should be titled with the name of the Motion and the date the hearing was held and include a complete certificate of service.

Miscellaneous:

Audio/Visual Equipment in the Courtroom: The procedure for help and assistance is to call our IT Department/Help Desk Line at (407) 836-0522 and they will schedule a test/training time for you. All courtrooms have overhead projectors and all courtrooms have a DVD player, but the CD/DVDs must be in the same format that plays on a home DVD movie player. The Court will make the courtroom available before the equipment is to be used. It is the moving party's responsibility to ensure any digital media works. The Court cannot provide technological assistance to any party.

Interpreters: If a Party needs an interpreter to understand what is being said in the Courtroom, or to communicate with the Judge, they **MUST** bring their own Interpreter. A Certified Interpreter is generally required, as it is difficult to interpret in a courtroom setting. **AGAIN, COURT IS REQUIRED TO BE CONDUCTED IN ENGLISH, AND THE COURT CANNOT PROVIDE ANYONE WITH AN INTERPRETER.**

Motions to Continue: Pursuant to Florida Rule of Family Procedure 12.460 and Florida Rule of Judicial Administration 2.545(e), all motions to continue must have the client's signature and specific reason(s) for the continuance. Motions to continue may be set and noticed for ex parte/short matters or at a regularly scheduled hearing. Motions to Continue filed after the case has been set for trial will not normally be granted, absent extraordinary circumstances.

Motions to Withdraw and Substitution of Counsel: Pursuant to Florida Rules Procedure, all motions to withdraw or for Substitution of Counsel must have the client's signature/consent and specific reason(s) for the withdraw/substitution. Additionally, all proposed orders granting withdrawal shall be accompanied by the filing of an email designation form for your client or notice to the Court that an email designation has been previously filed. The Form for email designation can be found on Judge Gibson's webpage. If an attorney is unable to obtain client consent or an email designation filled out by the client, then the motion to withdraw or to substitute counsel may be set for hearing and noticed for ex parte/short matters. Motions to Withdraw filed after the case has been set for trial, may not be granted, and all such orders need to include notice to the now pro se litigant of the date and time of the previously scheduled hearing or trial. Motions to Withdraw, even with consent, may require a hearing if filed prior to an already scheduled hearing or trial.

Website: Visit the Court's website at www.ninthcircuit.org for general information including scheduling, Court Services and Florida Supreme Court approved Family Law Forms.

PLEASE NOTE: *These procedures apply to Judge Elizabeth Gibson only. Counsel shall also comply with Administrative Order 2014-25, "Uniform Policies and Procedures of the Domestic Division of the Circuit Court, Orange County, Florida" which can be found on the Court's website at www.ninthcircuit.org.*