

MAGISTRATES GINA M. STEWART and K. BETH LUNA

Policies and Procedures

DIVISION OF CASES:

1. All family law matters involving two *pro se* litigants (with the exception of adoptions, injunctions, and emergency motions) are heard by Magistrate Stewart.
2. All dependency matters referred by the Judges are heard by Magistrate Luna.
3. All family law matters referred by the Judges involving one or more attorney are divided as follows:

Case numbers ending in 0-3: Magistrate K. Beth Luna

Case numbers ending in 4-9: Magistrate Gina M. Stewart

SCHEDULING OF HEARINGS BY ATTORNEYS:

1. Attorneys may schedule hearings by contacting the Magistrates' assistant at (904) 278-3732 or magistrate@clayclerk.com. Hearings before Magistrate Luna are generally held on Thursdays in Room 301. Hearings before Magistrate Stewart are generally held on Mondays and Thursdays in Room 303.
2. **TEMPORARY NEEDS HEARINGS** – PRIOR TO SCHEDULEING ANY TEMPORARY NEEDS HEARING, THE ATTORNEY MUST:
 - a) Have filed an appropriate pleading or motion requesting relief;
 - b) Have already served the opposing party; and
 - c) Have already filed a financial affidavit on behalf of his/her client (if any financial relief is being sought, including attorney's fees).

A prior Order of Referral from the Judge's office is NOT required prior to scheduling a hearing on temporary needs. The Magistrate's office will prepare the Order of Referral upon scheduling and forward it to the appropriate Judge for entry.

3. **FINAL HEARINGS** – PRIOR TO SCHEDULING ANY FINAL HEARING BEFORE THE MAGISTRATES:
 - a) The attorney must have an Order of Referral from the Judge's office listing the specific Petition being referred for final hearing;
 - b) The attorney must complete a Trial Set Memorandum for Magistrates and file it or e-mail it to the Magistrate's assistant;
 - c) The parties must have already attended mediation unless you have a Court Order waiving mediation;

- d) If applicable, there must be a UCCJEA affidavit filed;
- e) An updated financial affidavit must be filed by at least the party requesting the hearing (if any financial relief is being sought, including attorney's fees);
- f) If applicable, the party requesting the hearing must have filed proof of completion of an approved Parent Education and Family Stabilization Course per Florida Statute 61.21, unless you have a Court Order waiving the requirement.

4. OTHER MATTERS:

Any other post-judgment or other matters may be set with the Magistrates if you have an Order of Referral from the Judge's office listing the specific motion/matter to be heard.

5. NOTICE OF HEARINGS:

- a) Any notice of hearing before the Magistrate prepared by counsel must fully comply with the notice requirements set forth in Fla. Fam. L. R. P. 12.490(d)(4) and (5).
- b) Any notice of hearing before the Magistrate/Child Support Hearing Officer prepared by counsel on a motion for civil contempt in support matters must fully comply with the notice requirements set forth in Fla. Fam. L. R. P. 12.615(b).
- c) Failure to comply with all applicable notice requirements may result in your case being continued and/or certain contempt sanctions not being awarded.

CHILD TESTIMONY/COURT ATTENDANCE:

- 1. Any party seeking to present testimony from a minor child must file a motion for child testimony. No child shall be brought to court to testify without first obtaining an Order signed by the Circuit Judge allowing such testimony.
- 2. Children accompanying parents to the courthouse, even when not testifying, is discouraged. Children will not be allowed to sit in during hearings, unless testifying. Any parent with a minor child with them that requires supervision is responsible for providing such supervision. Court staff are NOT permitted to supervise children.

INFORMATION FOR LITIGANTS NOT REPRESENTED BY AN ATTORNEY:

- 1. All scheduling of cases where neither party is represented by an attorney is done by the case managers in Family Court Services, located in Room 103 of the Clay County Courthouse, (904) 278-3636.
- 2. Any request for a hearing before the Magistrate and ALL other inquiries in such cases shall be directed to Family Court Services. The Magistrate is NOT permitted to communicate directly with any litigant outside of the hearing.