

Honorable Steven B. Whittington

Division F – FAMILY and DEPENDENCY

COVID-19 NOTICE: Emergency procedures until further notice

Please review below regarding hearing procedures, evidence submission and other procedures currently in effect during the pandemic along with Clay County Administrative Order entered March 17, 2020, In Re: COVID-19 Emergency Procedures in Clay County, AOSC20-16 and AOSC20-23, as amended. Administrative Orders and forms are available on Court's website.

Scheduling

- All scheduling is conducted by email. Motions must be docketed prior to requesting hearing date. Please provide Clerk's motion docket number in your request. Hearings over one hour require a motion to set.
- All hearings will be conducted by Zoom and hosted by the Court until in-person hearings resume. Upon in-person hearings resuming, parties/counsel will be required to personally appear at scheduled hearings.
- Potential dates will be provided for you to coordinate with opposing counsel. Please coordinate among yourselves and provide your final agreed upon date to JA. Prospective dates are not held or guaranteed until a confirmation email is received. Once a date is agreed upon, the JA will provide the Zoom link for counsel to include when preparing a notice of hearing. Courtesy copies of pleadings and notices should not be sent to the Court. They should be filed in advance as the Court accesses all pleadings from the docket.

Ex Parte

- Currently, we are scheduling a time certain during ex parte hours to better assist with Zoom conferencing needs. Brief, uncontested matters such as uncontested dissolutions and motions to withdraw may be set by emailing the JA. Please see additional information below regarding required information for uncontested dissolutions and motions to set.

Motion to Set for Trial

- Motions to set are scheduled by email pursuant to Administrative Order entered 3/17/20.
- All cases must go to mediation before requesting to be set for trial.
- File a Motion to Set and a Trial Set Memo with the Clerk and advise JA once docketed.
- Counsel shall serve(mail) any order requiring service by mail, including service upon pro se parties who have not filed a designation of email address on the docket.
- Generally, cases involving pro se parties may be referred to the General Magistrate. These cases may not require a motion to set, but an order of referral. If you are uncertain, please email the Judicial Assistant.

Uncontested Dissolution

- Orders are electronically signed through the Clerk's Benchmark system. Preferred format is Word. Consent judgments may be sent in .pdf. Ex parte hearing judgments and orders should be submitted five days prior to hearing for review and uploading into the queue. Orders should contain one signature line for Judge's electronic signature. Page containing judge's signature line should contain substantive language of the order and not a stand-alone signature line. Proposed orders should be scanned as one continuous document, including any exhibits such as guidelines and parenting plans. Cover letters should be scanned as separate documents.
- Parenting course certificates of completion (in addition to all required financial affidavits and mandatory disclosure) must also be filed by both parties in all dissolution of marriage and paternity cases prior to requesting final hearing.
- All notices of hearing, uncontested divorce checklist and all other required pleadings shall be filed with the Clerk and appear on the docket five days prior to hearing to allow for hearing preparation. Courtesy copies of pleadings should not be sent to the Court. The Court will access all pleadings from the docket.

Parenting Course

As provided for by § 61.21, Fla. Stat., all parties in dissolution and paternity cases must complete a parenting course: "A Positive Divorce Resolution" offered through Positive Divorce Resolution, Inc., (1-888-747-5362), www.divorce-resolution.com, "Two Parents, Two Homes," offered through Hope Haven, (904-346-5141), www.hope-haven.org. Contact the course provider for online course information during the state of emergency. Certificates evidencing completion shall be filed prior to trial or requesting a final hearing.

Standing Family Law Order

All parties shall review and comply with the filing requirements of Standing Family Law Order found at <https://www.clayclerk.com/wp-content/uploads/2019/05/Standing-Family-Law-Court-Order-1.pdf>.

Temporary Needs

- All temporary needs motions are referred to the General Magistrate for hearing. Contact the General Magistrate's office to schedule. Please also refer to the GM's website for further information and new orders of referral.

Motion Practice / Evidence Submission

- **Courtesy copies.** Filing through the e-portal does not transmit a motion to the Court. Courtesy copies of motions or notices of hearing available for review on the docket should not be sent to the Court. Other case related documents or case law should be provided to the Court no later than 72 hours prior to the hearing. Documents consisting of more than 25 pages should be mailed or hand delivered.
- **Motions to Compel.** Pursuant to Administrative Order 1998-10, motions to compel will not be cancelled once set on the Court's calendar. Motions should comply with the rule of procedure, including certificates.
- **Evidence.** Counsel must comply with Clay County Administrative Order entered March 17, 2020, AOSC20-16 and AOSC20-23, as amended, regarding evidence, witnesses and procedures. All evidence must be submitted a minimum of three (3) business days prior to hearing. Evidence consisting of more than 25 pages shall not be emailed and instead shall be mailed or hand delivered.

Pretrial Stipulations

- **Pretrial Stipulations** are required and must be filled out completely prior to the Pretrial Conference. Counsel shall file the pretrial stipulation with the Clerk.
<https://www.clayclerk.com/wp-content/uploads/2018/03/Pretrial-Stipulation-Dissolution-1.doc>
<https://www.clayclerk.com/wp-content/uploads/2018/03/Pretrial-Stipulation-Paternity.doc>

Proposed Orders

- Unless otherwise ordered, all proposed orders shall be submitted within 10 days of the Court's ruling.
- **Electronic Signing.** Orders are electronically signed through the Clerk's Benchmark system. Preferred format is Word. Consent judgments may be sent in .pdf. Orders should contain one signature line for Judge's electronic signature. Proposed orders should be scanned as one continuous document, including any exhibits such as guidelines and parenting plans. Cover letters should be scanned as separate documents. Ex parte consent judgments and orders should be submitted five days prior to your hearing for review and uploading into the queue.
- **Form.** The proposed order shall include: 1) title with subject matter of the pleading or motion; 2) the date of the hearing, if any; 2) the name of the motion heard and date in which it was filed/docket number; and 3) page numbers. Consent or agreed motions shall state such in the motion. The Court's signature page shall contain substantive language, not just a signature page and allow sufficient space for an electronic signature. All parties due to receive a copy of the order shall be so listed on the last page of the order with either their designated email address or mailing address.
- **Pro Se Parties/Mailing Orders:** If the party has not filed a Notice of Designation of Email Address and is not listed in the e-portal, the Court cannot e-serve the party. The order's certificate should reflect "Counsel to mail copies to:" and counsel shall mail copies of the conformed order to the parties.

- Counsel shall be responsible for mailing conformed copies of any order that requires service by mail in which stamped envelopes have not been provided by the Court.

Cancellations/Settlement

Counsel must request permission of the Court to cancel a hearing. Once cancellation is confirmed, Counsel must immediately file a Notice of Cancellation of the hearing. Merely e-filing a notice of cancellation or settlement does not remove the matter from the Court's calendar. Motions to Compel may not be cancelled.

Emergency Motions/Petitions

Emergency motions may be emailed to the Judicial Assistant for the Court's review. The Judicial Assistant will notify the moving party whether the Motion/Petition will be heard on an emergency basis. There shall be no ex parte communication concerning emergency motions/petitions.

Pro Se Litigants

The Court is not permitted to communicate with parties outside of a hearing. The Court is unable to consider ex parte communication. Requests for relief must be in the form of a motion or pleading and filed with the Clerk. The parties must also copy opposing counsel on any emails, correspondence and pleadings filed with the Court, without which the inquiry may not be considered. The Court is prohibited from providing any party to a case with advice as to how to proceed or the rules of evidence or procedure. Pro Se parties may wish to contact an attorney, Legal Aid or Family Court Services to discuss any questions or concerns.