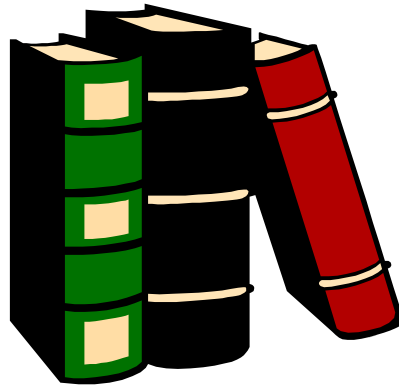


**EIGHTEENTH JUDICIAL CIRCUIT  
SEMINOLE COUNTY  
CIVIL/FAMILY DIVISION G**



**ADMINISTRATIVE  
POLICIES AND PROCEDURES  
GUIDELINES**

**DURING COVID-19**

**JUDGE MICHAEL J. RUDISILL**

April 2021

# **HEARINGS**

## **1. SCHEDULING:**

All hearings (except for residential mortgage foreclosure cases) may be scheduled on JACS. Please do not file a motion and order to appear telephonically. These hearings will proceed remotely through Microsoft Teams or in-person. Until further notice short matters/ex-parte hearings are held during regular 15-minute hearing time slots located on JACS or contact the JA to see if the matter can be addressed without the necessity of a hearing.

All parties are required to give a good faith assessment of the time needed for the hearing. If other parties are waiting for their hearing, and your case goes over the time limit, your hearing will be terminated and rescheduled for a subsequent hearing. 15, 30, or 60 minute hearing times are to be retrieved and scheduled online by using JACS. To use JACS, go to [www.flcourts18.org](http://www.flcourts18.org), Calendaring and JACS on the left hand side of the page, under the Seminole County column click on “Docket Calendar Attorney Scheduling”. If you need a hearing for more than 1 hour your motion will have to be placed on the trial docket. To be placed on the trial docket you need to contact Sandy Gorman 407-665-4222 (Family Cases) /Civil Cases – Dayna Griffin 407-665-4218.

**Coordinating:** Reasonable attempts need to be made to clear a date with opposing counsel before scheduling on JACS. Do not contact the JA to determine what a reasonable attempt is or how much time is reasonable. That must be determined by the attorney.

**Pro se parties only:** If the opposing party is pro se and a telephone number is listed on any of their pleadings, you must make two (2) attempts on two (2) different days. A message needs to be left on both days requesting them to call your office by the end of that business day to coordinate the hearing. If at the end of the second business day you do not receive a call back then you may set a hearing unilaterally online at least fourteen (14) days from the current date.

If an email address is listed on any of their pleadings, you must email the opposing party to attempt to coordinate a date. If no attempt has been made after one (1) week to contact you back to coordinate you may set a hearing unilaterally online at least fourteen (14) days from the current date.

If no phone number or email is listed in the court file then a hearing cannot be scheduled sooner than one month.

Once your hearing is set on JACS you will receive a confirmation number. Please do not send a copy of the Notice of Hearing to the Judge, just e-file the original notice.

**Motions:** If you do not see the subject of your motion that you are trying to set for hearing listed in the drop down box when scheduling a hearing on JACS, select any motion and place the title of the motion in the “Additional Motions” section on JACS. JACS will only allow you to select one motion in the drop down box. If you have more than one motion that you wish to address on that date then the other motions need to be listed in the box that says “Additional Motions to be Addressed.” Please do not send a copy of the motion to the Judge, just e-file the original.

**Courtroom:** Do not select a courtroom in the drop down box. Leave the box blank. Selecting a courtroom will limit your search. Judge Michael J. Rudisill holds hearings in courtroom G.

**Select Role of Scheduling Attorney:** If you get a prompt while trying to schedule your hearing that you need to select a role of the scheduling attorney you need to logout of JACS and log back in and attempt to schedule the hearing again. After you select the date for your hearing there will be an option right above where you input your case number for you to select whether your attorney represents the Plaintiff or Defendant.

## **2. HEARINGS:**

**Starting June 1, 2021, hearings evidentiary in nature will be conducted in-person. Please refer to JACS for in-person hearing dates. All other hearings will be conducted via Microsoft Teams. if you schedule an evidentiary hearing on a reserved time for non-evidentiary, it will be cancelled.**

### **IN-PERSON HEARINGS:**

In -person hearing times listed on JACS should be utilized for hearings evidentiary in nature. Please provide written hearing materials to the Court at least three days before, but not more than a week before the hearing. Relevant portions of case law submitted to the Court must be highlighted. Please do not email hearing materials to the Court.

### **REMOTE HEARINGS:**

The notice of hearing must state that the hearing is being conducted remotely through Microsoft Teams and not at the courthouse. If your notice of hearing reflects that the hearing is at the courthouse your hearing may be cancelled.

We are not accepting binders, packets mailed in or emails of materials at this time.

All hearing materials must be filed in the Court file at least 48 hours before your hearing. (Remote hearings only)

**All parties participating in the hearing are required to send their name (whom they represent if not the party), email address, case style, case number, date and time of the hearing, to the Judicial Assistant (Dayna.Griffin@flcourts18.org) at least one-week before your scheduled hearing time. Failure to provide email addresses for all parties participating in the hearing prior to the**

**scheduled hearing may result in the hearing being cancelled or the inability for you to be able to participate in the scheduled hearing.**

The Judicial Assistant will email each individual **who has provided their email**, a calendar invite for the meeting via Microsoft Teams, which must be accepted in order to attend. The parties should sign into the meeting by clicking “JOIN TEAMS MEETING” on the invite.

The attorney needs to stand by for at least 1 hour from the scheduled hearing time. More than one hearing may be scheduled on the docket for the set time, so your hearing may take time before it is addressed. Your hearing may not necessarily be heard according to its place on the judge’s docket. Please make sure to click on the camera icon and/or microphone icon to ensure you are seen and heard by the judge. It is all parties’ responsibility to make sure the equipment used is operating appropriately.

- 3. CONTINUANCES:** If a continuance of a hearing is requested by a party who did not set the hearing and the party who scheduled the hearing will not reschedule, then a motion for continuance may be presented to the Court.

The attorney who scheduled the hearing needs to go on JACS (*see page 2, under Scheduling*) click “Display a list of available hearing dates” under the main menu. Clear a new date with the opposing side. When your ready to reschedule go on JACS and click “To Re-Schedule a Hearing” under the Main Menu. Type in your confirmation # and hit “Reschedule”. Click the new coordinated date and the hearing will be rescheduled and you will receive a new confirmation number for your records. An amended notice of hearing needs to be prepared and attach a copy of the confirmation page to your copy of the notice of hearing for your file. Please do not send a copy of the amended notice of hearing to the Judge, just e-file the original.

- 4. CANCELLING:** Only the party who scheduled the hearing can cancel the hearing.

The attorney who scheduled the hearing needs to go on JACS and click “To cancel a Hearing” under the main menu. Enter your confirmation number and click “Cancel Hearing”. You must follow up with the filing of a Notice of Cancellation in the court file. Attach a copy of the confirmation page to your Notice of Cancellation for your file. Please send a copy of the Notice of Cancellation to the Judge. **IF A HEARING IS CONTINUED OR CANCELLED, IT IS THE RESPONSIBILITY OF THE SCHEDULING ATTORNEY TO ADVISE THE JUDICIAL ASSISTANT THAT THE SCHEDULED HEARING IS CONTINUED OR CANCELLED SO THAT IT IS REMOVED FROM THE COURT’S CALENDAR.**

- 5. CROSS NOTICING/PIGGY BACKING:** If you wish to add a motion to a previously set hearing date, you must contact the party who set the hearing and obtain permission to share their time. Same idea applies if you want to add a motion to a hearing “you” set. You must call the JA to add the additional motions and no more time will be given unless available. Please make sure that Amended Notices and/or

Cross Notice of Hearings are filed with the clerk to keep the file updated. Please do not send a copy of your Amended Notice or Cross Notice of Hearing to the Judge.

- 6. NOTICE OF HEARING:** A notice of hearing must specifically state the matter(s) to be heard. A notice of hearing that states "All Pending Motions" is a nullity. Any party scheduling a hearing must provide notice to the other parties even if defaulted by the court. If a Guardian Ad Litem appointed in the case is not given notice of the hearing, the hearing may be subject to cancellation by the court pending proper notice to the Guardian Ad Litem. Please do not send a copy of your Notice of Hearing to the Judge, just e-file the original.
- 7. MATTERS NOT REQUIRING A HEARING:** The following matters do not require a hearing and may be submitted *with a cover letter*, through the e-portal stating that opposing counsel has reviewed the proposed order or stipulation and does not object to the court entering the relief requested.

  - Appointment of Special Process Server
  - Appointment of Special Magistrate to hear UCD
  - Stipulated Modifications
  - Stipulated Orders
  - Motion for Substitution of Counsel (Signed by Attorney and Party)
  - Motion to Enter an Agreed Order
  - Cancellation and rescheduling a foreclosure sale
  - Motion to Vacate Foreclosure Judgment because of reinstatement
  - Default judgment of *liquidated* amounts
  - Motions to Withdraw (if a consent cannot be obtained, a copy of the proposed order is to be sent simultaneously to the *pro se* party and to the court with a cover letter stating that the *pro se* party/opposing counsel must voice any objections in writing to the court within 5 days. )
  - Uncontested Final Judgment for Dissolution of Marriage (with answer and waiver filed by respondent)
- 8. EMERGENCY HEARING:** If you feel that your motion is an emergency (*An example of an emergency issue is a child "seriously" endangered*) please file your emergency motion with the clerk and contact the JA. You may also send a copy to the JA via e-mail. Once the emergency motion is reviewed by the Court the JA will contact you to set the motion for hearing if deemed an emergency.
- 9. SHORT MATTERS/EX PARTE:** Until further notice short matters/ex-parte hearings are held during regular 15-minute hearing time slots located on JACS.
- 10. TEMPORARY RELIEF FOR FAMILY CASES:** Motions for Temporary Relief are scheduled before and conducted by the General Magistrate's office, (407) 665-4050. If you do not wish to have the GM hear the motion then an objection must be filed in writing. Before the hearing can be scheduled before the Judge, mediation

must have occurred regarding the temporary issues. Temporary Relief hearings before the Judge will be limited to 30 minutes.

**11. RULE TO SHOW CAUSE:** A verified Petition for Rule to Show Cause or a Petition for Order to Show Cause, with accompanying Affidavit, can either be presented at Short Matters/Ex Parte or can be forwarded by letter to the court. If the Petition is granted at Short Matters/Ex Parte, the attorney may obtain a date for the Order to Show Cause on JACS. If the Petition is granted and has been sent to the court, the judicial assistant will contact your office to let you know you may schedule on JACS.

**12. UNCONTESTED DISSOLUTIONS OF MARRIAGE:** Uncontested Dissolutions of Marriage can either be heard on the short matter calendar or sent through the e-portal. The cover letter needs to specify that all parties, *pro se* or opposing counsel, have reviewed the Final Judgment and have no objection. Also, if there are children involved, the Final Judgment needs to incorporate specifics on child support (*i.e. how much, how it is to be paid, & how often.*)

If both parties are *pro se* then they must fill out Form A located on the 18<sup>th</sup> Circuit website under Program/Services, Self Help (Represent Yourself) and file it with the Clerk of Court.

**Prior to submitting the proposed Final Judgment** in an uncontested matter, check the Court's docket to ascertain that the following has been filed.

- a. Financial Affidavit for Husband
- b. Financial Affidavit for Wife
- c. A copy of Petitioner's Florida Driver's License confirming residency requirements.
- d. If there are assets, a copy of the Marital Settlement Agreement signed and notarized by each party.
- e. If child(ren), a Certificate of Completion of a State-Approved Parent Education and Family Stabilization Course for each party.
- f. If child(ren), a copy of the parenting plan signed by each party with agreed upon child support guidelines.

**13. ADOPTIONS and TERMINATION OF PARENTAL RIGHTS**

**PENDING:** These motions are set at short matters. If both parties are *pro se* then they must fill out Form A located on the 18<sup>th</sup> circuit website under Self Help Center (Seminole County Self Center) and file it with the Clerk of Court.

14. **MOTION TO WITHDRAW AS COUNSEL:** If the attorney is able to obtain a signed consent from their client, then the proposed order may be filed through the e-portal for signature. If a signed consent is unable to be obtained, a copy of the proposed order is to be sent simultaneously to the *pro se* party and to the court with a cover letter stating that the *pro se* party/opposing counsel must voice any objections in writing to the court within 5 days. The proposed order allowing withdrawal of counsel must reflect the following:
- a) The client's name, address, email address and telephone number
  - b) Statement that all pleadings are to be furnished to the client
  - c) Statement that the client is responsible for notifying the Clerk, in writing, within (5) days of any changes of address.
15. **RESIDENTIAL FORECLOSURE CASES:** Do not set residential mortgage foreclosure motions on JACS or for Short Matters. All residential mortgage foreclosure motions are heard on specific dates and times. Contact the judicial assistant, Dayna Griffin at 407-665-4218 for a list of those dates and times. After coordinating your hearing, contact Dayna Griffin again to schedule. Due to the volume of cases and number of parties, telephonic appearances are not permitted regardless of the length of the hearing. DO NOT send hearing packets to the Court for these types of cases. Please bring them with you at the time of the hearing.
16. **MOTION FOR REHEARING/RECONSIDERATION:** Once a motion for Rehearing/Reconsideration is filed with the Clerk's office, you must also send a copy to the Judge for review. The Judge will either make a ruling on the motion without a hearing, and copies will be sent out, or the JA will contact your office to let you know to set a hearing on JACS. Do not set a hearing unless you receive approval first. The hearing is not the rehearing of the issue, but an opportunity for the party to argue their motion before the Court.
17. **PETITION TO RELOCATE:** Parties must comply with section 61.13001 of the Florida Statutes. If a timely objection has been filed and a party is seeking expedited hearing time on their motion for temporary relocation, they must contact the JA. Failure to contact the JA to obtain expedited hearing time will constitute a waiver of the time frames contained in the statute.
18. **MOTION FOR CHILD PICK-UP ORDER:** Without notice, a copy of the motion with justification for lack of notice must be provided to the Judge by email with the approved proposed order. The order must have the heading, case number, division, and the parties' names filled out. If the Judge enters the order ex parte a certified copy can be obtained through the Clerk's office for service and a hearing will be indicated on the order as to the date and time for the parties to appear in court to present evidence.

The Judge may deny the ex parte request but set a hearing and will either notify you with a verbal denial or by an order denying.

**19. PROPOSED ORDERS: Effective March 2020 all orders must be submitted electronically through the e-portal with a cover letter.**

Cover letters submitted through the e-portal must have language stating opposing party/counsel agrees or does not object to the entry of the order. Do not submit a proposed order to the Court prior to your hearing.

When submitting orders to the Court for signature the orders must contain the the folling ICMS codes:

**DONE AND ORDERED** in Seminole County, Florida on **DDDD** (for the date the court signed it to be electronically populated)

**JJJJ**(for the Judge’s signature to be electronically populated)

Copies provided via e-service only through the Florida Courts E-Filing Portal. Moving party is responsible for service of all non-registered parties.

**\*\*\*\*You must add all 4 letters in all caps and both fields, DDDD and JJJJ for the order to be signed, or it will be rejected for resubmission once corrected\*\*\*\***

**SAMPLE PROPOSED ORDER**

**IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT,  
IN AND FOR SEMINOLE COUNTY, FLORIDA**

Name,

**Plaintiff/Petitioner,**

**CASE: 2020-XXXX**

vs.

Name,

**Defendant/Respondent,**

**TITLE OF ORDER**

**THIS CAUSE** having come before the Court on Petitioner Motion... , and the Court having reviewed said motion, file, and otherwise being fully advised in the premises, it is hereby;

**ORDER AND ADJUDGED** that:

The Petitioner’s Motion is hereby GRANTED.

**DONE AND ORDERED** in Seminole County, Florida on **DDDD**

**JJJJ**



Copies provided via e-service only through the Florida Courts E-Filing Portal. Moving party is responsible for service of all non-registered parties.

Do not ask opposing counsel to contact the Judge's office with objections to a proposed order. If opposing counsel has been forwarded a copy of the proposed order, but has not responded within a reasonable time frame, you may forward the proposed order to the court with a cover letter so stating if the motion was already heard before the court. If the motion has not been heard before the court and you have not received a response from opposing counsel as to their position then a hearing must be set.

If the other party is *pro se*, a copy of the proposed order is to be sent simultaneously to the *pro se* party and to the court with a cover letter stating that the *pro se* party must voice any objections in writing to the court within 5 days.

**20. SERVICE OF ORDERS:** Copies of orders signed by the Court will be provided e-service only through the Florida Courts E-Filing Portal. It is the attorneys/parties responsibility to update their email address with the Clerk of Court and the Florida Courts E-Filing Portal. The moving party is responsible for service of all non-registered parties. If a prior attorney of record does not properly remove themselves on a case in the Florida Courts E-Filing Portal they will continue to receive copies of orders signed and filed in that matter.

**21. MOTIONS FOR JUDICIAL DEFAULT:** Judicial defaults should only be sought if you're unable to obtain a Clerk's default and must be set for hearing.

**22. FINAL JUDGMENTS OF DISSOLUTION OF MARRIAGE:**

The final judgment must contain the following:

(a) Appropriate paragraphs relating to any child issues, for example, support, time sharing, abatement of support, etc., if any. The final judgment cannot merely ratify and confirm the agreement. It must specifically state what is also in the agreement.

(b) Signature page must contain text. It cannot only contain the "DONE AND ORDERED" clause or a line for the judge's signature.

(c) Certification that conformed copies are being forwarded to all counsel and pro se parties, giving their names and addresses and a place for the judicial assistant to sign and date.

(d) A separate paragraph regarding payments which are to be through the Clerk's office similar to the following:

*The husband/wife, \_\_\_\_\_ whose address is \_\_\_\_\_, shall pay child support in the amount \_\_\_\_\_ per \_\_\_\_\_, commencing \_\_\_\_\_, and*

on the \_\_\_\_ of each month thereafter, to the Clerk of the Circuit Court, Support Division, Seminole County Courthouse, Sanford, Florida (mailing address: P. O. Box 819, Sanford, FL 32772-0819), together with the statutory service charge of 4% of the payment or \$5.25 whichever is less. Payment can also be made to State Disbursement Unit (SDU) at P.O. Box 8500, Tallahassee, FL 32314. Payment shall be made in the form of cash, cashier's check, certified check, money order, or other payment form acceptable to the Clerk or SDU, and must include the case number, name of the payer and payee for proper identification.

*Child Support payments shall continue until the minor child(ren) reach the age of 18 years, marries, dies, becomes emancipated, or otherwise ordered by this court, whichever event shall occur first.*

*Each party shall inform the other and the Clerk of the Circuit Court immediately of any change of name or address,*

The attorney preparing the final judgment is to submit the proposed final judgment to opposing counsel/party for approval as to form and content prior to submission to the court. All final judgments are to be accompanied by a cover letter stating opposing counsel/party has approved the form of the order. If the attorneys cannot agree on the order, then a hearing is to be scheduled.

## **TRIALS**

### **A. FAMILY DIVISION:**

#### **FAMILY COORDINATOR:**

**Sandy Gorman (407) 665-4222**

(Contract regarding: Pre-trial Conferences & Trials)

**Notice for Trial:** A Notice for Trial stating that the cause is at issue must be filed with the Clerk's office. The notice shall include an estimate of the time required, and whether the trial is on the original action or a subsequent proceeding. The case will then be forwarded to the **Family Trial Coordinator** for review.

### **ALL CONTESTED CASES WILL BE REQUIRED TO ATTEND AND COMPLETE A MEDIATION SESSION**

**Pretrial Conference:** Orders Requiring Mediation, Setting Pre-Trial Conference and Trial Date will be entered by the Court. Pretrial Conferences will be conducted telephonically. Parties are to be available for at least one (1) hour from the stated time for a phone call from the Court. If the party is *pro se*, they must contact the trial coordinator before the pre-trial conference with a phone number if they wish to appear by phone. A time certain trial time will be given during the pretrial

conference. If it becomes necessary to place a case on the trial docket as a back up, the parties will be notified of the actual time of trial no less than 24 hours prior to trial time. The court will not address any pending motions at this time.

## **B. CIVIL DIVISION:**

**\*\*\*(When filing your notice for trial, please be advised that you will be placed on a trial docket within 6 months of the filing of the notice for trial. If you are not ready to go to trial within 6 months of filing, please wait to file your notice for trial. The Court's trial docket calendar only goes out 6 months and we are unable to provide trial dates past that time. If you file a notice for trial in the fall expect to be placed on a spring trial docket.) \*\*\*\***

**Notice for Trial:** A Notice for Trial stating that the cause is at issue must be filed with the Clerk's office, and must contain complete, current e-mail addresses to all counsel of record or pro se parties. The notice shall include an estimate of the time required, whether the trial is to be by a jury or non-jury trial. The case will then be forwarded to the **Judicial Assistant** for review. After review of the file the Judicial Assistant will send an email to all parties asking for a stipulation as to what trial period is agreed upon by all parties within 7 days. If the parties are unable to agree to a trial period the Court will set the matter on a trial docket. Upon receipt of the stipulation, all parties will receive an Order Setting Pretrial Conference with all deadlines outlined. The parties will be required to strictly adhere to the Order Setting Pretrial Conference. Case Management Conferences are no longer required.

**Pretrial Conference:** Pretrial Conferences are automatically set for any case requiring more than one day. If less time is required, a pretrial conference will have to be requested at the time of noticing the case for trial. The court will expect full compliance with the Order Setting Pretrial Conference and Trial Date. Unless specifically excused by the judge, all attorneys/ pro se parties are required to attend in person at the pretrial conference, even if a time certain for trial has been set. The court may designate counsel to send written notice to opposing counsel or *pro se* party who did not appear at the pretrial conference. The court will not address any pending motions at this time.

**C. MOTIONS TO CONTINUE PRE-TRIAL/TRIAL:** Opposed Motions for Continuance of Case Management, Pre-Trial, and/or Trial must be heard at Short Matters/Ex Parte. Any motion for continuance must be made in writing, signed by counsel for the parties, and shall state when the cause will be ready for trial. In ruling upon such motions, the court will weigh the following factors:

- What are the legal grounds?
- When was the case filed?
- When was the case noticed for trial?
- When was the motion filed?
- Will the parties be prejudiced?
- Has the case been previously continued and if so how many times?
- Has there been compliance with the temporary support order?
- What is the condition of court's calendar?