

FAMILY DIVISION PROCEDURES FOR REMOTE HEARINGS
(Amended on March 24, 2020)

These procedures apply to cases assigned to Michelle Naberhaus, Charles Roberts, Robert Segal, Christina Serrano, Leslie Castaldi, Kurt Erlenbach, and Kristen Smith-Rodriguez.

In light of the current public health emergency, the procedures set forth below are being put in place until further notice. There will be no in-person hearings except as set forth in the Administrative Orders of the Florida Supreme Court and the 18th Judicial Circuit. The procedures set forth below will be used only in cases in which both parties consent. If a party does not consent, then the matter will be set for an in-person hearing as soon as is practicable after the Florida Supreme Court and the Chief Judge of the 18th Judicial Circuit deem it medically safe to conduct such hearings in person.

All hearings will be by telephone or audio/visual communication through Microsoft Teams. There will be no in-person hearings until further notice.

A. NON-EVIDENTIARY HEARINGS:

1. Maximum time: 15 minutes
2. The Court will receive no evidence, only argument.
3. To obtain a hearing, email the following to the assistant of the Judge or General

Magistrate who is assigned to the case (see table below for the names and email addresses of each assistant):

- a. Copy of motion;
 - b. Amount of time requested;
 - c. Written certification that the moving party has made a good faith effort to confer with the opposing party to reach a settlement of issues raised in motion.
4. The Court will provide three dates/times and contact number for the telephone hearing. The moving party will confer with the opposing party to agree on a date and time for the hearing. If the parties are unable to agree on a date and time, the moving party shall so notify the Court, and the Court will thereafter assign a hearing date and time. If such results in a conflict, the party with a conflict shall provide notice of same pursuant to the Rules of Judicial Administration.

5. The moving party will file a Notice of Telephonic Hearing and email same contemporaneously to the assistant of the Judge or General Magistrate. THE NOTICE OF HEARING MUST CONTAIN A CERTIFICATION THAT PARTIES HAVE CONFERRED IN GOOD FAITH IN AN EFFORT TO RESOLVE THE ISSUES RAISED IN THE MOTION.

6. The Notice of Telephonic Hearing must include a provision that the moving party will initiate the conference call to the Court. The moving party shall ensure that all parties are properly conferenced and shall be responsible for connecting all parties to the Court.

7. The moving party shall be responsible for preparation of any orders following hearing. All such orders shall be submitted for review to the opposing party.

8. If the parties agree to the language of an order, it may be submitted to the Court by email with a certification that all parties agree to the entry of the order as proposed. If the parties cannot agree to the language of the order, each party may submit a proposed order for the Court's consideration, along with a certification that attempts were made to agree upon the language of the order, along with a certification that attempts were made to agree upon the language of the order. If there is no certification that all parties have reviewed the proposed order, the order will be held for five (5) business days to allow for objections.

B. EVIDENTIARY HEARINGS:

1. Maximum time: 60 minutes
2. Matters that may be heard include those determined by the Court to be an emergency and those requesting temporary relief related to alimony and child support, temporary timesharing, and enforcement issues. The Court will not hear motions for contempt or modification. The Court will hear issues relevant to modification in defense of an enforcement action, but modification will not be adjudicated.

3. To obtain a hearing, email the following to the assistant of the Judge or General Magistrate who is assigned to the case (see table below for the names and email addresses of each assistant):

- a. Copy of motion;
- b. Amount of time requested;
- c. Written certification that the moving party has made a good faith effort to confer with the opposing party to reach a settlement of issues raised in motion; and
- d. All parties consent to a remote hearing pursuant to the terms set forth in the Court's "Stipulated Notice for Remote Hearing" (attached hereto).

4. The Court will provide three dates/times and contact number for the hearing. The moving party will confer with the opposing party to agree on a date and time for the hearing. If the parties are unable to agree on a date and time, the moving party shall so notify the Court and may request additional dates.

5. At least 24 hours before the hearing, counsel shall execute the Court's Stipulated Notice for Remote Hearing. If counsel does not have the template for the Stipulated Notice, it may be requested from the Court.

6. The parties must exchange exhibits and confer about the admissibility of each exhibit. The parties shall identify those exhibits which are to be entered into evidence without objection and those that the parties were not able to agree, along with the basis for an objection to same (see attached Stipulated Notice). If money is at issue, the parties shall include their most recent financial affidavit as their first numbered exhibit.

7. All documents to be received into evidence shall be transmitted to the Court via email at least 24 hours before the scheduled commencement time of the hearing, and all documents shall be properly labeled in accordance with the attached Stipulated Notice.

8. The Court will hear testimony of parties only. Each party will have the opportunity to present a direct examination. After both parties have presented their direct examination, cross-examination of each party will be permitted. No other witness testimony will be taken.

9. Identification of witnesses and the administration of an oath shall be governed by AOSC20-16 or any successive administrative order.

10. In lieu of witness testimony, the parties may stipulate to the facts to be considered by the Court by emailing a signed stipulation, with said facts set forth therein, to the Court with the hearing stipulation.

11. Hearings will be conducted using Microsoft Teams. All participants are expected to download the app/program in advance of the hearing and become sufficiently proficient to permit the hearing to proceed. Each participant shall ensure that he or she has sufficient bandwidth to permit the hearing to proceed.

12. There shall be NO speaking objections. Speaking objections will unduly complicate the presentation of the case and will not be tolerated. A party objecting to a question shall state, "objection," and then wait to be prompted by the Court. Each judge retains the right to tax the attorney with fines of up to \$250 for violations of this directive.

13. The Court expects all participants to maintain appropriate social distancing. As such, parties need not be present in the same room or location with counsel provided they can ensure access through Microsoft Teams.

14. The moving party shall be responsible for preparation of any orders following hearing. All such orders shall be submitted for review to the opposing party.

15. If the parties agree to the language of an order, it may be submitted to the Court by email with a certification that all parties agree to the entry of the order as proposed. If the parties cannot agree to the language of the order, each party may submit a proposed order for the Court's

consideration, along with a certification that attempts were made to agree upon the language of the order. If there is no certification that all parties have reviewed the proposed order, the order will be held for five (5) business days to allow for objections.

C. GENERAL MAGISTRATES:

These procedures and the Stipulated Notice for Remote Hearing shall be used for hearings before General Magistrate Castaldi and General Magistrate Smith-Rodriguez, with the following exceptions: (1) Paragraph A.8. regarding the submission or orders for non-evidentiary hearings; (2) Paragraph B.12. only to the extent it addresses penalties for speaking objections; (3) Paragraph B.14. regarding submission of orders for evidentiary hearings; (4) Paragraph B.15. regarding submissions of orders for evidentiary hearings; (5) Paragraph 10, Stipulated Notice, only to the extent it addresses penalties for speaking objection – the prohibition against speaking objections remains in place.

CONTACT INFORMATION

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