

GENERAL DIVISION PROCEDURES & JAC S

INFORMATION FOR

PROBATE/TRUSTS/GUARDIANSHIP/MENTAL HEALTH

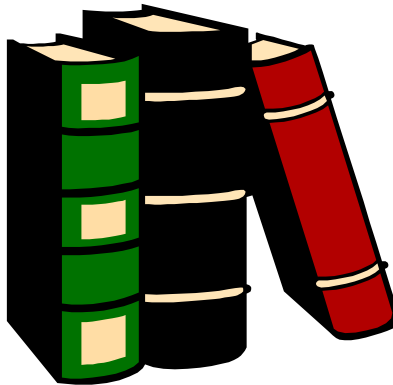
HONORABLE TESHA SCOLARO BALLOU DIVISION P

HISTORIC TITUSVILLE COURTHOUSE,

506 S. PALM AVENUE, TITUSVILLE, FLORIDA 32796

Judicial Assistant, Collette M. Colegrove collette.colegrove@flcourts18.org

EFFECTIVE 8/1/2024



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COURTROOM DECORUM

ALL PARTIES AND COUNSEL SHALL EXERCISE PROPER COURTROOM DECORUM WHILE IN COURT

- Shorts, tank or halter tops, undershirts, sunglasses, and hats are forbidden;
- The use of cell phones in the courtroom is strictly prohibited;
- The Judges have the authority to ban persons not appropriately dressed from participating in the proceedings;
- The Judge has the authority to hold you in contempt of court or expel anyone from the courtroom who hinders the orderly conduct of business;
- If appearing via MICROSOFT TEAMS, you must appear in an office or home/office setting.
- A hearing conducted via Microsoft Teams is a formal court proceeding. All parties shall conform with the rules of courtroom decorum and conduct themselves as if they are appearing in-person in a courtroom.
- There should not be background noise, distractions, drinking, eating, driving, or unauthorized participants during the hearing.
- **All parties and counsel should read and familiarize themselves with Administrative Order 09-06, Supersedes 92-116** regarding Courtroom Decorum and Procedure: http://www.brevardclerk.us/_cache/files/0/3/0309ec7d-4b2b-4771-be51-42c5a69505e9/17CAA9D25C7C325506910EF3B8DE8F1C.09-06-click-here-.pdf.
- The failure of any party to comply with the rules of courtroom decorum will result in the removal of the noncompliant party and the hearing continuing without their presence or the termination of the proceeding.

HEARINGS

1. SCHEDULING: The Parties will have **View only** access to the Judicial Automated Scheduling System (JACS) to obtain available dates and times for hearing. **See:** jacs.flcourts18.org/public Once a date has been selected **and coordinated** with all appropriate parties, the scheduling party must email the Judicial Assistant (JA) collette.colegrove@flcourts18.org with the case information to confirm the date and time. *All parties are required to give a good faith assessment of the time needed for a hearing.* Once the date and time is confirmed, with the Judicial Assistant, the Scheduling Party must file a Notice of Hearing with the Clerk, with a copy emailed to the Judicial Assistant, within 24 hours of confirming the hearing date/time. If the Notice of Hearing is not filed with the Clerk and emailed to the Judicial Assistant within the requisite time, the hearing time will be released, and the scheduling party will need to choose a new hearing date. Judge Ballou's hearings are held at the Historic Titusville Courthouse at 506 S. Palm Avenue, Titusville, Florida Courtroom 4 or on TEAMS with leave of the Court.

PROBATE HEARINGS are set on Monday, Wednesday, and Friday

GUARDIANSHIP/TRUST/MENTAL HEALTH HEARINGS are set on Tuesday and Thursday.

Coordinating: Reasonable attempts need to be made to coordinate a date with opposing counsel and all parties before scheduling a hearing. Several attempts on the same day is insufficient. **DO NOT** contact the JA to determine what a reasonable attempt is, or how much time is reasonable. This must be determined by the attorney. If you would like to “add on” or “piggyback” a motion time permitting, please confirm with opposing counsel/party first and then contact the JA via email collette.colegrove@flcourts18.org.

Pro Se Parties Only: If the opposing party is *pro se* and a telephone number is listed on any of their pleadings, **the scheduling party must make two attempts on two different days to coordinate.** A message must be left on both days requesting a return call by the end of that business day to coordinate the hearing. If, at the end of the second business day, the scheduling party does not receive a call back, then the hearing may set unilaterally at least fourteen (14) days from the current date. If no phone number is listed in the Court file, then a hearing cannot be scheduled sooner than 30 days prior to the hearing date allow sufficient time for notice.

POLICY REGARDING COURT SET HEARINGS

When the Court sets a hearing *sua sponte* the parties will receive notification from the Judicial Assistant as to the Court’s intent and will provide dates. The parties must coordinate and advise the Judicial Assistant of their mutual availability. If for some reason, the parties are unable to agree on one of the provided dates, an email must be sent to the Judicial Assistant, with all parties copied, and a request for additional dates. Upon receipt of the additional dates, the parties must make a good faith effort to choose an agreed upon date. If the parties cannot agree on a date after the second attempt by the Judicial Assistant to provide dates, the Court will select the hearing date and the matter will be heard. Counsel shall make themselves available for said hearing set by the Court or have coverage for the hearing. If a party cannot be available or find coverage, the Hearing will proceed without that party. If a party needs to appear by TEAMS, a request can be made to the Court.

2. CANCELLING: Only the party who scheduled a hearing may cancel a hearing. **IF A HEARING IS CONTINUED OR CANCELLED, IT IS THE RESPONSIBILITY OF THE SCHEDULING ATTORNEY TO FILE A NOTICE OF CANCELLATION AND ADVISE THE JUDICIAL ASSISTANT THAT THE SCHEDULED HEARING IS CONTINUED OR CANCELLED SO THAT IT IS REMOVED FROM THE COURT’S DOCKET.** *Notices of Cancellation* must be filed as an emergency pleading and emailed directly to the JA collette.colegrove@flcourts18.org.

3. NOTICE OF HEARING: A Notice of Hearing must specifically state the matter(s) to be heard, the date, time, length and place of the hearing, and shall be e-filed with the Clerk with a courtesy copy of the Notice of Hearing emailed to the JA in order to be placed on the Court’s calendar. Any party scheduling a hearing shall provide notice to all other parties. **If a Notice of Hearing has not been filed, the Court will not hear the matter.** Any supporting documents must be received by the Court at least 10 days prior to the scheduled hearing. If 10 pages or less, you may email to the JA. Otherwise, you must submit via courier, FedEx, UPS or U.S. mail.

4. IN PERSON AND REMOTE (Microsoft Teams) APPEARANCE: Hearings may be conducted in person or by Microsoft Teams or a combination. If you are appearing in person, all proceedings are held in courtroom 4 of the Titusville Courthouse, 506 S. Palm Avenue, Titusville, Florida 32796. Non-Jury Trials and any hearings scheduled for more than 1 hour will be in-person.

Remote appearance at hearings may be permitted on a case-by-case basis. The request for a party to appear remotely must be made at the time the hearing is scheduled or no later than 72 hours prior to the hearing. Any party appearing by Teams that will be giving testimony, MUST have a notary public present with them at the time of hearing so that he/she may be sworn in. All parties appearing by Teams need to stand-by for at least one hour **from** the time the hearing is set.

Virtual Courtroom Link: <https://fl18.org/judgeballou> into Microsoft Edge or Google Chrome web browser. If you cannot connect, the backup telephone line is **United States, Daytona Beach (Toll) Phone: [+1 386-310-1754](tel:+13863101754) Conference ID: 163 215 088#**

5. EMERGENCY HEARINGS: Please contact the JA via email (collette.colegrove@flcourts18.org) and attach the Emergency Motion for the Judge to review and determine if a hearing will be set.

6. EVIDENTIARY HEARINGS & TRIALS: If an evidentiary hearing has been scheduled, the scheduling party **MUST** Notice it as such.

All evidence needs to be exchanged between the parties and exhibits marked accordingly. If the evidence is 10 page or less, it can be emailed to the JA. Otherwise, it will need to be sent to the Court via courier, FEDex, UPS or U.S. mail. Any submission must be received by the Court at least 10 days prior to the hearing. If the submission is not provided to the appropriate parties and/or Court within the requisite time, the Hearing will be CANCELLED.

7. HEARING MATERIALS: Should you wish for the Court to review materials or case law prior to a hearing, and it is 10 pages or less, it can be emailed to the JA. Otherwise, please submit via courier, FEDex, UPS or U.S. mail at least ten (10) days prior to your hearing.

8. PROBATE: The Court does not require hearings on any uncontested probate matters nor a checklist prior to submitting orders. Please file your Petition(s) and submit your proposed Order(s) via the e-portal. To avoid unnecessary rejections of Orders, please ensure that a death certificate, waivers/consents (if applicable), affidavit of heirs (if applicable), funeral receipt showing proof of payment (if necessary) and any other pertinent documents are filed and docketed by the Clerk. Additionally, all homestead petitions and Orders must include the property address, a legal description and the Parcel ID number

PROBATE TRIALS: Once you have noticed the case for trial, you must contact the Judicial Assistant to schedule a Case Management Conference before the Court to determine scheduling, witness/exhibit exchange, discovery cutoff, etc.

9. MOTIONS FOR REHEARING/RECONSIDERATION/NEW TRIAL, DISQUALIFY JUDGE: Once you have filed your Motion for Rehearing/Reconsideration, please email a copy to the Judicial Assistant so that the Judge can review and determine whether a hearing is necessary. If the Court requires a hearing, the Judicial Assistant will contact you to coordinate.

10. DISCOVERY MOTIONS/OBJECTIONS: The moving party shall initiate contact with the opposing party and confer prior to a Motion/Objection being filed. This information shall be included in the Motion/Objection. Prior to a hearing being set, Counsel is to email an e-filed copy of the Motion/Objection to the JA with a proposed order; a copy must be emailed to opposing counsel. The Court will review and may enter an Order without hearing. The Order must contain the language "Order entered without hearing". **This is not an Ex Parte Order.** If the Court determines that a hearing is necessary, the parties will be contacted by the JA.

11. PRE-TRIAL SCHEDULING ORDERS/SCHEDULING CONFERENCE/CASE MANAGEMENT ORDERS/TRIAL ORDERS: Please read these Orders in their entirety. Failure to do so may result in the trial being continued or sanctions imposed.

12. SUBMISSION OF PROBATE, GUARDIANSHIP AND TRUST ORDERS AS A RESULT OF A HEARING OR A FUTURE HEARING SET: Proposed orders must be submitted to the Court at the time of the hearing, if applicable. If it is a Teams hearing, email the order(s) to the JA at least 48 hours prior to the hearing. The Court recognizes, there may exceptions in which Orders cannot be provided until after the hearing. In said circumstance, Orders are to be received by the Court within 5 days from the hearing/ruling. Cover letters (although not necessary) should be a separate attachment from the proposed order/judgment. Please do not mail paper "hard" copies to the Court. Proposed orders 2 pages or more in length must have the page number notated on each additional page. The Court's signature line should never stand alone.

ORDERS

13. PROPOSED ORDERS INSTRUCTIONS:

PROPOSED ORDERS: Orders submitted after a hearing, please email to Judicial Assistant complete with signature and date lines for the Court to utilize. All other proposed probate, trust, and guardianship orders must be e-filed through the Proposed Documents section of the portal in the jurisdictional map; choose Brevard County from the drop-down menu and select Viewer/Judicial. Failure to follow the below guidelines may result in your filing being Rejected.

If you have questions regarding a rejected order, please contact the Case Managers at 321-637-5304.

FILING REQUIREMENTS

Each filing must contain a Cover Letter and at least one proposed order.

Filer must select himself/herself in the e-service list.

COVER LETTER

PDF format

PROPOSED ORDER

Word document (.docx extension).

No additional formatting – text boxes, macros, headers, footers, etc.

Do not leave the bond amount blank in the appropriate order appointing personal representative in a formal administration (intestate or testate). Please insert “\$0” or “waived” as the amount of the bond.

*Use the phrase “**Done and Ordered**” as the last portion of the order for the Judge’s signature and date codes. The Date and Signature codes must be on their own line and all in Capital letters with all four letters in each field. The **Signature code, JJJJ, must be aligned left.**

Example:

**DONE AND ORDERED in Titusville, Brevard County, Florida, this DDDD
JJJJ**

There can be **no characters or verbiage or use of the tab key or space bar before or after the codes.**

There can be attachments to the proposed order.

The case style must make reference to the Eighteenth Judicial Circuit, i.e.,
IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT IN AND FOR BREVARD
COUNTY.

Please DO NOT submit proposed order until after your documents have been accepted by the clerk’s office.

Please DO NOT add the Certificate of Service codes to the proposed order for this division. E-Service will be provided to those selected by the Filer.

Please DO NOT add the Reported and Recommended General Magistrate codes. They are not applicable to this division.

14. MATTERS REQUIRING A HEARING OR THAT NEED TO BE SET FOR A HEARING DUE TO URGENCY

DO **NOT** file these Orders through the portal.

Paper Orders are to be brought to the hearing.

Please include the “Done and Ordered” verbiage as well as the judge’s signature line.

15. ORDERS THAT CAN BE REVIEWED WITHOUT A HEARING

These Orders are to be submitted through the portal and will be reviewed in the order they are received.

Please follow the portal instructions for e-filing proposed orders.

If you do not want to wait for the order to be reviewed/signed without a hearing, you may request a hearing, but not until the Order has been e-filed for a minimum of 3 weeks. If a hearing is set, you will need to provide the Judicial Assistant with the order(s) submission number(s) so that the e-portal orders can be moved to the correction queue. Paper orders will need to be brought to the hearing.

16. EXAMINING COMMITTEE ORDERS

To help ensure that our Examining Committee Members are being compensated in a timely manner, the court will now require that an order compensating examining committee be filed with the court within 15 days from the filing of the GEC members' reports. In addition, proof of payment to the Examining Committee Members will need to be filed with the court no later than 15 days from entry of the order to compensate or a Status Hearing may be set. Proof of payment will only pertain to private pay cases. **If you have any questions, please contact the Case Managers at 321-637-5304.**

17. ORDER APPOINTING ATTORNEY AND COURT APPOINTED ELISOR

To help ensure that the Court files the proposed order correctly, please always include both the GA case and MH case on the Order. Please always include RCC on the proposed order if the party is indigent. If the party is not indigent, when emailing the proposed Order to the JA state that the Party is not indigent.

These Orders are to be e-mailed with signature and date lines to the Judicial Assistant at collette.colegrove@flcourts18.org.

18. ORDERS RESULTING FROM A HEARING

If you are submitting an Order resulting from a ruling made at a hearing, please email the Order (complete with Done and Ordered and the Judge's signature line) to the Judicial Assistant at collette.colegrove@flcourts18.org

19. MISC.

LANGUAGE INTERPRETERS: To request and schedule a language interpreter please contact Court Administration at 321-735-4974 or 321-635-5004.

When contacting the Court (via mail or e-mail), please copy all parties: collette.colegrove@flcourts18.org; (321) 603-2510; Historic Titusville Courthouse, 506 S. Palm Avenue, Titusville, Florida 32796.