

UNIFORM PROCEDURES FOR BREVARD COUNTY FAMILY DIVISION

Considering the current public health emergency, the procedures set forth below are being put in place until further notice. **Currently, this division is not conducting any in-person hearings except for those pertaining to petitions for injunctions for protection. All hearings will be by telephone or audio/visual communication through Microsoft Teams. All parties are responsible for keeping updated with Florida Supreme Court and Administrative Orders of the 18th Judicial Circuit.**

Judicial Assistants: At the present time, email is the most effective way to communicate with the Court.

Ronni Cunningham (Judge Maloney) at ronni.cunningham@flcourts18.org
Debbie Lansing (Judge Segal) at debbie.lansing@flcourts18.org
Carmen Reyes (Judge Serrano) at carmen.reyes@flcourts18.org
Barbara Opperman (Judge Taylor) at barbara.opperman@flcourts18.org

A. NON-EVIDENTIARY HEARINGS:

1. The Court will receive no evidence, only argument.
2. To obtain a hearing, email the following to the judicial 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.
 - d. The email shall not include argument or substantive discussion regarding facts of the case.
3. The Court will provide available dates/times and a 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.
4. The moving party will file a Notice of Telephonic Hearing and email same contemporaneously to the judicial assistant.

- a. The notice of hearing must contain a certification that parties have conferred in good faith to resolve the issues raised in the motion.
- b. The notice must include the complete title of the motion to be heard, the date of filing and the docket number.
- c. 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.

5. If you wish to add a motion to a previously set hearing you must contact the party who scheduled the hearing and obtain permission to share their time. If they do not agree, you may notice your matter as “time permitting” or obtain additional hearing time for your motion.

6. 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.

7. If the parties agree to the language of an order, it may be submitted to the Court by email or through the Eportal 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.

B. EVIDENTIARY HEARINGS:

1. To obtain a hearing, email the following to the judicial 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.

- d. The email shall not include argument or substantive discussion regarding facts of the case.

2. The Court will provide available 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.

3. The moving party will file a Notice of Hearing and email same contemporaneously to the judicial assistant.

- a. The notice of hearing must contain a certification that parties have conferred in good faith to resolve the issues raised in the motion.

- b. The notice must include the complete title of the motion to be heard, the date of filing and the docket number.

4. The parties must exchange exhibits and confer about the admissibility of each exhibit at least seventy-two (72) hours before the hearing; this time is seven (7) days for non-jury trials. The parties are encouraged to reach an agreement as to the admissibility of all evidence. Exhibits shall be delivered to the Court at least three (3) business days before the scheduled commencement date of the hearing. The format for all exhibits, submitted to the Court and the opposing party, is set forth below in paragraph 5.

5. Format of exhibits:

- a. Each party shall provide the Court with hard-copy, printed exhibits. If an exhibit consists of a video or audio recording, it shall be submitted to the Court on a compact disk or digital video disk. The face of the disk shall bear the case number and exhibit label as described below. The Court will no longer accept exhibits in digital or electronic format.

- b. A label shall appear in the lower right-hand corner (or as close thereto as is possible without interfering with the text or substance of the document);
- c. Each label shall state “Petitioner’s Exhibit *” or “Respondent’s Exhibit *” with “*” being each letter of the alphabet beginning with the letter “A.”
- d. Each label shall state the case number and date of the hearing.
- e. All submissions shall include an index of the exhibits. All of the exhibits shall be Bates stamped for easier identification. The index shall identify the exhibit, with the corresponding exhibit letter and the Bates stamped number series for each such exhibit. (Example: Exhibit A – Petitioner’s Financial Affidavit – 1 – 13).

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

7. 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.

8. 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. Each participant shall ensure that he or she has the proper equipment to properly participate in the proceeding. Any individual that will be presenting testimony to the Court must be identifiable by a form of government-issued photographic ID.

9. The Court will only send a Team meeting invitation link to counsel for a party or a party (if unrepresented). It will be the responsibility of counsel and/or the parties to forward the Teams meeting link to any individuals that party intends to call as a witness.

10. 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.

C. PERTAINING TO ALL MATTERS:

1. 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.

2. If the parties agree to the language of an order, it may be submitted to the Court by email or through the Eportal 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.

D. MISCELLANEOUS PROCEDURES:

1. Matters Which Have Become Uncontested

a. Where the parties have reached a complete written final agreement on all issues, the Court will consider entering a final judgment without a hearing.

b. To qualify, the parties must:

i. Each file a financial affidavit (where required by the Florida Family Law Rules of Procedure);

ii. Email a copy of all signed agreements to the Court; or, alternatively, advise the Court as to the docket number of any e-filed agreements;

iii. Agreements not signed by counsel must bear the notarized signature of the party whose counsel has not signed the agreement;

- iv. File and email to the Court child support guidelines worksheets (where appropriate),
 - v. Email a proposed final judgment pre-approved by all parties in both .doc (Word) and .pdf (Adobe) formats,
 - vi. Email a valid driver license or affidavit of corroborating witness demonstrating residence.
 - vii. If a party is seeking the restoration of a prior legal name, that party must appear before the Court, remotely, to present testimony in support thereof.
2. Qualified Domestic Relations Orders (QDRO)
- a. As long as the proposed order is signed by all parties and counsel, the Court will sign QDRO's without the necessity of a hearing.
 - b. Correspondence must include a statement that all parties agree to the entry of the order.
3. Income Withholding Order
- Any withholding order submitted to the court shall include a copy of the underlying support order.
4. Motions to Withdraw as Counsel
- If the attorney obtains a signed consent from their client, the proposed order may be submitted through the e-portal. If the case has a trial date set, the stipulation shall include a statement that the client understands the case is set for trial and that the release of counsel does not cancel the court date. If consent is not obtained, obtain hearing time as noted above. The motion and notice of hearing must indicate that they were mailed to the client. Unless the client has filed a

Designation of Email Address form with the clerk, service must include a mailing address.

5. Temporary Relief: Except in the event of an emergency (imminent risk of harm to a child; imminent risk of improper removal of a child from the jurisdiction of the Court), all parties seeking temporary relief must first complete mediation or mutually consent to the referral of the request for temporary relief to the General Magistrate.
6. Calendar Priority for Expedited Matters: The Court notes that, in many cases, the passage of time only serves to exacerbate parenting problems associated with parental separation; and matters cannot always be brought to final hearing “quickly.” If the parties consent in writing that the Court’s temporary decision concerning parental responsibility and timesharing shall be deemed permanent, thereby subject to the burden of proof required in a supplemental action for modification, the Court will give priority to these matters on the Court’s calendar.
However:
 - a. Hearings shall be limited to two (2) hours;
 - b. The requested relief shall be for all parenting issues, i.e. those pertaining to parental responsibility and timesharing. Priority will not be given to piecemeal requests.
7. Requests for Continuance: In addition to complying with the applicable rules of procedure, a party seeking a continuance shall certify in writing that the party has conferred with opposing counsel/party concerning the request and that the opposing party/counsel agrees or objects. Absent a showing of extraordinary

good cause, failure to comply with this requirement shall be deemed adequate grounds to summarily deny the request.

8. Emergencies: the Court has become increasingly burdened with matters deemed “emergencies.” The Court reminds parties that emergencies are those situations where:

a. **A child is threatened with imminent harm; or**

b. **There is an imminent likelihood that a child will be improperly removed from the jurisdiction of the Court.**

c. **The Court will not review any emergency motion unless it is signed and verified by the moving party. However, if there is good cause to excuse the moving party from signing and/or verifying the motion, then the Court will review the motion ONLY IF: the title of the motion notes that it is not signed or verified AND the first paragraph of the motion sets forth good cause to relieve the moving party of the burden of having the motion signed and verified.**

9. Proceedings for Injunctions for Protection:

a. These are the only matters the Court is hearing in-person at this time.

b. All parties, attorneys, and witnesses SHALL wear masks and practice social distancing AT ALL TIMES that such individuals are inside the courthouse for any proceedings in this division.

10. Suggestions and questions regarding these procedures are welcome and may be submitted directly to the Court. Such submissions shall not pertain to the facts of any particular case. To the extent that any question or suggestion is raised during the pendency of a case to which the submission is addressed, a copy shall be sent,

contemporaneously, to the opposing party/counsel (as appropriate). THIS IS NOT TO BE CONSTRUED AS LEAVE TO DISCUSS ANY SUBSTANTIVE MATTERS PERTAINING TO ANY PARTICULAR CASE; NOR IS THE COURT INVITING THE PARTIES TO SHARE IN CORRESPONDENCE CONCERNING ANY MATTERS RAISED IN PENDING CASES. This invitation is for the purpose of soliciting constructive suggestions and resolving any ambiguities concerning the Court's procedures. The Court reserves the right to direct the discontinuation of any such submissions by a party or counsel upon the Court's unilateral determination that such submissions are not constructive or do not further the interests of the Court as such pertain to the service of the residents of the 18th Judicial Circuit or the parties served by the Court.