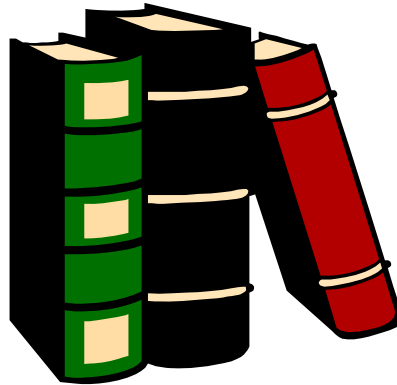


**EIGHTEENTH JUDICIAL CIRCUIT
CIVIL/FAMILY
DIVISION L**



**ADMINISTRATIVE
POLICIES AND PROCEDURES**

HONORABLE MELANIE CHASE

(UPDATED JULY 2019)

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HEARINGS

1. SCHEDULING

Hearing times are to be retrieved and scheduled online by using JACS, with 15, 30, 45 or 60 minute hearings available. THERE IS NO REQUIREMENT TO SELECT A SPECIFIC COURTROOM OR SPECIFIC HEARING DATES BASED ON THE SUBJECT-MATTER OF YOUR ISSUE. Judge Chase hears both Civil and Family matters during any available hearing times.

To use JACS, go to www.flcourts18.org, click on Attorney Resources, choose “Schedule a Hearing (JACS), and then select “Scheduling Functions.” 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.

If you need a hearing for more than one (1) hour, your matter will have to be placed on the trial docket. To be placed on the *family* trial docket, please contact the Family Trial Coordinator, Sandy Gorman, at (407) 665-4222. To be placed on the *civil* trial docket, please contact the Judicial Assistant, Jennifer Jones, at Jennifer.Jones@flcourts18.org (407) 665-4299. If you have two motions, each needing one (1) hour each, you cannot set one motion at 9:30 a.m. and the other motion at 10:30 a.m., even if time is available. They must be set on different days or set on the trial docket for two (2) hours.

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

Pro se parties: If the opposing party is *pro se* and a telephone number is listed on any pleadings, you must make two (2) attempts to coordinate 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 date of the notice. If no phone number is listed in the court file then a hearing cannot be scheduled any sooner than thirty (30) days from the date of the notice.

Once your hearing is set on JACS, you will receive a confirmation number. Please keep that confirmation page for your file. While the Notice of Hearing should not be copied to the Judge, the original must be filed with the Clerk.

Motions: A hearing may not be scheduled on any matter until the motion has been filed with the Clerk. 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.” While the motion should not be copied to the Judge, the original must be filed with the Clerk.

Courtroom: The Judge hears all matters in **Courtroom C**. In the event she is not in Courtroom C, there will be a sign on the courtroom door directing the parties where to go. THERE IS NO REQUIREMENT TO SELECT A PARTICULAR COURTROOM ON JACS BASED ON THE SUBJECT-MATTER OF YOUR ISSUE.

2. TELEPHONIC HEARINGS

Telephonic appearances are permitted in certain instances. However, they are limited to fifteen (15) minutes, and a motion and order must be submitted. If granted, the Judge will contact the attorney at the time of the hearing. The attorney’s first and last name, along with a *direct* contact number, must be listed in the order. The attorney must stand by for one (1) hour from the time the hearing is set for the Judge’s phone call. If the moving attorney is appearing by phone, then the proposed order with the copies and pre-addressed stamped envelopes are required to be sent to the Judge before the hearing or the hearing could be subject to cancellation. No telephonic hearings are permitted during Short Matters.

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 at a noticed Short Matters hearing. (*See below re: Short Matters/Ex Parte hearings*).

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.” 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 and do not need more time, you must contact the party who set the hearing and obtain permission to share that time. If you need additional time, you can either set a new hearing on JACS for that same date and time, if available, or have the party who set the original hearing cancel and reschedule it for a timeslot with sufficient time for both hearings.

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.

7. MATTERS NOT REQUIRING A HEARING

The following matters do not require a hearing and may be submitted with a cover letter to the court, via email or 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 Uncontested Dissolution of Marriage
- Stipulated Modifications
- Stipulated Orders
- Motion for Substitution of Counsel (signed by attorney and party)
- Motion to Dismiss or Strike (Rule 1.140) – see paragraph 15 below
- 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
- Motion to Withdraw (with signed consent from client)
- Uncontested Final Judgment for Dissolution of Marriage (with Answer and Waiver filed by Respondent)

8. EMERGENCY HEARING

If an emergency situation arises, counsel may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. The motion must be emailed to the Court before a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will contact counsel to set the hearing.

- 9. SHORT MATTERS OR *EX PARTE*:** Short Matters or *Ex Parte* hearings are five (5) minutes or less. These hearings are not scheduled on a docket so you do not contact the Judicial Assistant to schedule or cancel. They are held Mondays through Thursdays at 9:00 a.m., with exceptions, including civil jury trial weeks.

Before you notice your hearing, check the Judge's daily dockets to verify that they are being held that day. Unless the opposing side agrees to your motion and will not be appearing, it must be coordinated like any other hearing. Please send the Judge a copy of Notice of Hearing. No telephonic appearances are permitted during Short Matters.

Do not schedule residential foreclosure Motions for Summary Judgment for Short Matters.

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 the case has never been referred to the General Magistrate and heard in the past (from the date of the initial filing until present, regardless of whether you were the attorney at the time), and you do not wish to have the General Magistrate hear the motion, then an objection must be filed in writing. Before the hearing 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 with cover 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 has been mailed to the Court and is granted, the Judicial Assistant will contact your office to let you know you may schedule on JACS.

12. CONTEMPT

Civil: Motions for contempt in civil cases are scheduled on JACS.

Family: Motions for contempt in family cases are scheduled with the General Magistrate's office [(407)665-4050]. If the case has never been referred to the General Magistrate in the past (from the date of the initial filing until present, regardless of whether you were the attorney at the time), and you do not wish to have the General Magistrate hear the motion, then an objection must be filed in writing.

If a contempt hearing is set before the General Magistrate and this is the first hearing that has ever been referred to the General Magistrate, and the opposing party objects, **the objection must contain the agreed date and time for mediation, or the objection is not a valid objection and the hearing will remain on the General Magistrate's docket.** (See Administrative Order 13-42S Mediation – Family Law Mediation Program)

13. UNCONTESTED DISSOLUTIONS OF MARRIAGE

Uncontested Dissolutions of Marriage can either be heard on the Short Matters calendar, (*see Short Matters/Ex Parte above*) or can be mailed in. If the Final Judgment is mailed in, the cover letter needs to specify that all parties, *pro se* or opposing counsel, have reviewed the Final Judgment and have no objection. Be sure to include a copy of the Answer and Waiver as well as a copy of your client's driver's license. 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, and how often.

If both parties are *pro se*, then they must fill out Form A located on the 18th Circuit website under “Programs,” “Self Help (Represent Yourself) Pro Se,” and file it with the Clerk.

14. ADOPTIONS & TERMINATION OF PARENTAL RIGHTS PENDING ADOPTION

These motions are set at Short Matters (*see Short Matters/Ex Parte above*). If both parties are *pro se*, then they must fill out Form A located on the 18th Circuit website under “Programs,” “Self Help (Represent Yourself) Pro Se,” and file it with the Clerk.

MOTIONS

15. MOTION TO DISMISS OR STRIKE (RULE 1.140 MOTIONS)

The moving party must file and then email a courtesy copy of the Motion to Dismiss to the Judicial Assistant for the Judge’s review, prior to setting a hearing on the motion. The Judge will review the motion and either grant or deny the motion without a hearing, or will request that a hearing be set. The Judicial Assistant will contact the moving party and advise if a hearing is necessary. Any hearings set on a Motion to Dismiss or Strike on JACS prior to Court approval will be cancelled.

16. MOTION TO WITHDRAW AS COUNSEL

If the attorney is able to obtain a signed consent from the client, then the proposed order may be mailed in along with a copy of the motion and signed consent. If a signed consent cannot be obtained, then the motion must be set at Short Matters with at least five (5) days’ notice to the parties. The proposed order allowing withdrawal of counsel must reflect the following:

- a) The client's name, address and telephone number;
- b) Statement that all pleadings are to be furnished to the client, and;
- c) Statement that the client is responsible for notifying the Clerk, in writing, within five (5) days of any changes of address.

17. MOTION FOR SUMMARY JUDGMENT — RESIDENTIAL FORECLOSURE

All residential mortgage foreclosure Motions for Summary Judgment are heard on specific dates. Contact the Judicial Assistant, Jennifer Jones, at (407) 665-4299, for a list of those dates or look on the Judge’s Daily Dockets. See Foreclosure Procedures located on the 18th Circuit website under “Attorney & Citizen Resources.”

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 for a list of possible dates and times. After coordinating your hearing, contact the J.A. again to schedule. Refer to JACS for hearing dates on Plaintiff's motion for summary judgment. Due to the volume of cases and number of parties, telephonic appearances are not permitted regardless of the length of the hearing.

MOTION FOR SUMMARY JUDGMENT — RESIDENTIAL FORECLOSURE: All residential mortgage foreclosure Motions for Summary Judgment are heard on specific dates. Dates, times, and courtrooms are listed on our website by clicking the foreclosure information link at the top of the homepage. No telephonic hearings are allowed.

Mediation Required: Any case where the residence is owner-occupied and the owner filed a responsive pleading requires mediation before a hearing on a MSJ can be heard. Mediations can be conducted at the Seminole County Courthouse or through a private mediator. Please review the Practices and Procedures under the foreclosure link on our website for the required forms and information.

Waiving Mediation: If the Plaintiff feels that mediation is not necessary or the case has been pre-mediated, then a motion to waive mediation needs to be filed explaining the reason(s). Motions to waive mediation can be signed without hearing, so please mail them to the Judge.

Mediation Not Required: If the residence is not owner-occupied or no responsive pleading has been filed by the owner, no motions to waive mediation are required. You can set your case for MSJ hearing (see above).

18. 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 Judicial Assistant will contact your office to let you know to set a hearing on JACS. Do not set a hearing unless you receive approval first. If scheduled, the hearing is not the rehearing of the issue but an opportunity for the party to argue their motion before the court.

19. PETITION TO RELOCATE

The parties must comply with Section 61.13001, Florida Statutes.

If a timely objection has been filed, a hearing is to be set within 14 days of the filing of the objection. A hearing cannot be set until an objection has been filed or the time for objecting has run. If no time is available on JACS, contact the Judicial Assistant to get hearing time. The party/attorney is to clear the dates provided by the Judicial Assistant with the opposing side. If the opposing side is not available on those dates provided, then they must provide date(s) they are available during that 14 day period for the hearing.

If no objection is filed within the statutory 20 days, the moving party is to send the Judge the proposed order titled “Order Approving Relocation and Modifying Timesharing,” and the order must repeat the proposed timesharing schedule.

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 Judicial Assistant. Failure to contact the Judicial Assistant to obtain expedited hearing time will constitute a waiver of the timeframes contained in the statute.

20. MOTION FOR CHILD PICK-UP ORDER

Without notice, a copy of the Motion for Child Pick-up Order, with justification for lack of notice, must be provided to the Judge either by hand delivery, mail, or 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. A hearing will be set on an expedited basis within 14 days, and the moving party will be responsible for preparing the Notice of Hearing.

21. PROPOSED ORDERS

Proposed orders may be submitted through the e-portal. The e-portal does not accept cover letters. Therefore, whether the opposing party/counsel agrees or does not object to the entry of the order must be contained within the language of the order. All proposed orders will need to be submitted in WORD FORMAT. If an order is not submitted in Word format the order may not be entered and may be rejected without notice.

If not submitted through the e-portal, proposed orders must be accompanied by a cover letter stating that opposing counsel has no objection to the form of the order. If there is an objection and no agreement can be reached, then a hearing must be set. 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 timeframe, 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 five (5) days.

22. MOTION FOR JUDICIAL DEFAULT

Motions for Judicial Default will not be signed without a hearing. If you are unable to obtain a Clerk's default, then a hearing must be set.

Judicial defaults should only be sought if you're unable to obtain a Clerk's default. When mailing in the cover letter, motion and proposed order, please indicate in the motion why you are unable to obtain a Clerk's default. The Court may require a hearing after review of the motion.

23. FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE

A Final Judgment of Dissolution of Marriage must contain the following:

- (a) Appropriate paragraphs relating to any child issues, for example, support, timesharing, 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 sheet with identification information of the parties—name, address, and the last four (4) digits of their social security number, as well as name and date of birth of children.
- (e) 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 shall be made in the form of cash, cashier's check, certified check, money order, or other payment form acceptable to the Clerk, 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.

The Clerk of the Circuit Court is instructed to forward any payments received to the husband/wife, _____ whose address is _____.

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

- (f) If there are matters that cannot be completed by the Final Judgment or are ongoing, such as alimony, child support, security, etc., then the Final Judgment shall contain a statement that each party shall keep the other party advised of their current address and telephone number.
- (g) All Final Judgments of Dissolution of Marriage shall be accompanied by a final disposition form.

The attorney preparing the Final Judgment is to submit the proposed Final Judgment to opposing counsel 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 that opposing counsel has approved the form of the order. This applies whether the proposed order is hand delivered to the Judge's office, mailed, emailed, or submitted via e-portal. If the attorneys cannot agree on the order, then a hearing must be scheduled.

Unless otherwise ordered by the Court, the attorney tasked with preparing the Final Judgment must submit the proposed judgment to the opposing counsel within ten (10) business days of the Court's oral pronouncement. The opposing counsel/party must respond with any objections within five (5) business days. If the parties cannot agree on the form of the Final Judgment, a hearing must be set by the objecting attorney within ten (10) days of receipt. Counsel and parties are on notice that the Court will entertain a motion for attorney's fees related to any hearing required because of an unreasonable objection to the form of the final judgment.

TRIALS

1. FAMILY DIVISION

FAMILY COORDINATOR - Sandy Gorman (407) 665-4222. Contact the Family Coordinator regarding pretrial conferences and trial matters.

Notice for Trial: A Notice for Trial stating that the cause is at issue must be filed with the Clerk's office, accompanied by stamped, self-addressed envelopes to all counsel of record or *pro se* parties. If envelopes do not accompany the Notice for Trial, the Court will take no action. 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 Division Coordinator for review.

ALL CONTESTED CASES WILL BE REQUIRED TO ATTEND AND COMPLETE A MEDIATION SESSION IN GOOD FAITH.

Pretrial Conference: Orders Requiring Mediation, Setting Pretrial 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 pretrial conference with a phone number. 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 pretrial conferences.

Case Management Conference: A case management conference will be set if both parties are *pro se*. The case management conference will be conducted by the General Magistrate's Office. The General Magistrate will determine the status of the case, refer the parties to mediation and ensure the parties meet full compliance with Chapter 61, Florida Statutes, prior to trial.

2. CIVIL DIVISION

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 and whether the trial is to be a jury or non-jury trial. The case will then be forwarded to the **Judicial Assistant**. 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 will not address any pending motions at this time.

3. FORECLOSURE DIVISION

Foreclosure Coordinator: Lisa Hockenhull
(407)665-4296
Lisa.Hockenhull@flcourts18.org
Contact regarding Foreclosure Trials

Notice for Trial: A Notice for Trial stating that the cause is at issue must be filed with the Clerk's office, accompanied by stamped, self-addressed envelopes to all counsel of record or *pro se* parties. If envelopes do not accompany the Notice for Trial, the Court will take no action. The Notice shall include a good faith estimate of the time required for the trial. The case will then be forwarded to the Foreclosure Division Coordinator for review. The Court will issue an order setting the matter for trial, which is required for all cases. The Court will expect full compliance with the Order Setting Foreclosure Trial.