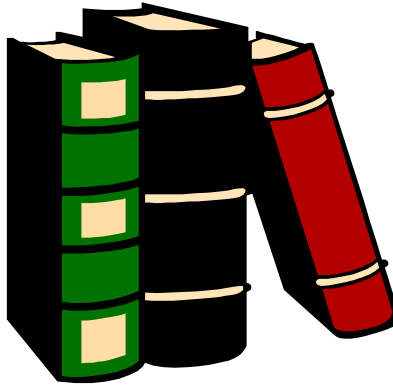


**EIGHTEENTH JUDICIAL CIRCUIT  
SEMINOLE COUNTY  
JUVENILE DIVISION B**



**ADMINISTRATIVE  
POLICIES AND PROCEDURES  
GUIDELINES**

**JUDGE DONNA M. GOERNER**

**SEMINOLE COUNTY JUVENILE JUSTICE CENTER**

**190 ESLINGER WAY**

**SANFORD, FLORIDA 32773**

**(407) 665-5342**

**JUDICIAL ASSISTANT: DAWN STALLWORTH**

**[DAWN.STALLWORTH@FLCOURTS18.ORG](mailto:DAWN.STALLWORTH@FLCOURTS18.ORG)**

**Division B**

**JANUARY 2022**

**INDEX**

**Courtroom Decorum:**.....2

**Hearings:**

Scheduling.....2  
Cancelling.....2  
Notice of Hearing.....3  
Telephonic Appearance.....3  
Remote Video Appearance.....3  
Matters Not Requiring Hearing.....4  
Emergency Hearing.....4  
Evidentiary Hearing.....4  
Hearing Materials.....4  
Probate Matters Generally.....5  
Probate Trials.....5  
Motion for Reconsideration.....5  
Motion to Withdraw as Counsel.....5  
Motions *in Limine*/Pre Trial Motions.....5  
Waivers of Appearance.....5

**Adoptions:**

Hearings.....6

**Orders:**

Proposed Orders.....6  
Rejections.....6  
Formatting.....6  
Service.....7

**Misc:**

Language Interpreters.....7  
Contacting the Court.....7

## **COURTROOM DECORUM**

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

- Shorts, tank or halter tops, undershirts, sunglasses, and hats are prohibited.
- The use of cell phones and/or pagers in the courtroom is prohibited unless you are an attorney or court personnel. All court personnel must exercise proper decorum should the need to use a cell phone arise and such use shall not interfere with a courtroom proceeding.
- 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.
- **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>

## **HEARINGS**

**1. SCHEDULING:** All parties are required to give a good faith assessment of the time needed for a hearing. Please contact the JA to obtain available dates and times for hearing. ([Dawn.Stallworth@flcourts18.org](mailto:Dawn.Stallworth@flcourts18.org)).

**Coordinating:** Reasonable attempts need to be made to clear 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.

**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 attempts on two different days to coordinate**. A message must 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 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 one month out to allow sufficient time for notice.

**Courtroom:** Judge Goerner holds Delinquency hearings in **Courtroom 1**, and Dependency hearings in **Courtroom 2**. For Probate, Guardianship, and Mental Health hearings **please confirm courtroom with the JA**.

**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 TO PROVIDE THE JUDICIAL ASSISTANT WITH A COPY OF THE NOTICE OF CANCELLATION OR AMNEDED NOTICE OF HEARING SO THAT IT IS REMOVED FROM THE COURT’S DOCKET.

**Note:** If the hearing was scheduled at the court’s request, it may NOT be cancelled and all parties must appear.

**3. NOTICE OF HEARING:** A Notice of Hearing must specifically state the matter(s) to be heard, the date, time and place of the hearing, and shall be e-filed with the Clerk. Any party scheduling a hearing shall provide notice to all other parties.

\*Adoptions: Notices of Hearing MUST be filed in both the DR and DP case(s). If the Notice of Hearing is not filed in the DP case, your hearing will not be placed on the docket.

\*Dependency / Delinquency: Notices of Hearing MUST be e-filed in order to be placed on the docket. If the Notice of Hearing is not e-filed, your hearing will not be placed on the docket.

\*Probate / Guardianship / Mental Health: After you have confirmed the hearing date/time with the JA, you must e-file a Notice of Hearing and email a copy to the JA ([Dawn.Stallworth@flcourts18.org](mailto:Dawn.Stallworth@flcourts18.org)). Your hearing will not be placed on the docket if this procedure is not followed.

**4. TELEPHONIC APPEARANCE:** Telephonic appearance at hearings is permitted on a case-by-case basis and will generally be permitted for short matters (15 minutes or less). You must e-file a Motion to Appear telephonically as well as a proposed Order **at least (five) 5 business days** prior to the scheduled hearing. **The proposed Order must state the date and time of the hearing, the name of the party appearing by phone and a telephone number for the Court to call at the time of hearing.** (See below for formatting and filing proposed Orders.) If multiple parties wish to appear by phone, the proposed Order must provide **ONE** telephone number (conference line) for the Court to call at the time of hearing. If a party appearing by telephone will be giving testimony, they must have a notary public present with them at the time of hearing so that he/she may be sworn in. Any party appearing by phone needs to stand-by for at least one hour **from** the time the hearing is set for the Judge’s phone call.

**5. REMOTE VIDEO APPEARANCE:** Remote video appearance will be considered by the court on a case-by-case basis. If the hearing is an evidentiary hearing, a motion requesting to appear by video must be filed with a copy to the judicial assistant, **at least five (5) business days prior to the hearing.** Proposed Orders must be sent to the court using the e-portal. Good cause must be presented in the motion. In the event, remote video appearance is allowed, the court uses Microsoft Teams. Once the court has signed the Order permitting appearance by Microsoft Teams,

the requesting party must provide a valid email address to the judicial assistant **within twenty-four (24) hours of the Order** and coordinate with the judicial assistant to make sure that the Teams is set up for the court proceeding.

**6. MATTERS NOT REQUIRING A HEARING:** Several matters do not require a hearing and a proposed Order may be submitted through the e-portal in Word format as an “Agreed Order,” along with a separately filed cover letter indicating no objection to the proposed Order; and/or with a properly filed Stipulation. The Motion shall also indicate that all interested parties have been contacted and their position indicated in the motion. A statement indicating “no position,” without further explanation is insufficient and will need to be set for a hearing. For any Motion, including motions where the parties may agree, the Court may enter an Order, or may require hearing, as is the discretion of the Court. Examples of matters not requiring hearing:

- Stipulated Modifications and Orders
- Motion for Substitution of Counsel (Signed by Attorney **and** Party)
- Motion to Enter an Agreed Order
- Motions to Withdraw (WITH SIGNED CONSENT FROM CLIENT – see below)
- **PLEASE DO NOT SCHEDULE A HEARING ON UNCONTESTED MATTERS UNLESS THE LAW REQUIRES A HEARING OR THE JUDGE HAS REQUESTED A HEARING.**

**7. EMERGENCY HEARINGS:** If you feel that your motion is an emergency and you need the Judge to stop what she is doing to hold a hearing within 24 hours, please contact the JA via email (Dawn.Stallworth@flcourts18.org) and attach the Emergency Motion for the Judge to review and determine.

**8. EVIDENTIARY HEARINGS:** If you have scheduled an evidentiary hearing, please provide all evidence directly to the Clerk of Court at least ten (10) days prior to your hearing so that the evidence can be properly marked for identification. The clerk cannot accept documents that are pre-marked by counsel. These can be hand delivered or mailed directly to the Clerk at 190 Eslinger Way, Sanford, Florida 32773.

**9. HEARING MATERIALS:** Should you wish for Judge Goerner to review materials or case law prior to a hearing, please submit via hand delivery, email to the judicial assistant or U.S. mail **at least five (5) business days prior to your hearing. Use only ONE method of delivery. In other words, do not mail and email the materials. The court prefers emailing to the judicial assistant. Please provide the case name and number in the subject line and advise the JA to forward the email to the Judge. DO NOT PROVIDE THE COURT WITH A COPY OF PLEADINGS THAT HAVE BEEN DOCKETED IN THE COURT FILE. Failure to follow these procedures may result in a significant delay in the court’s ruling and issuance of an Order in the case.**

**10. PROBATE MATTERS GENERALLY:** All parties are expected to be and remain current regarding any changes and amendments to the laws and rules of the State of Florida. The court requires an Affidavit of Heirs in intestate cases. The Affidavit may not be a “short form” affidavit. The Oath of Personal Representative, Fla. Prob. Rule 5.320 was amended effective November 1, 2021. All parties are expected to be compliant when filing pleadings. Pleadings not properly filed may result in rejection of proposed orders.

**11. 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. The parties are expected to participate in mediation at least thirty (30) days prior to the trial date.

**12. MOTION FOR REHEARING OR RECONSIDERATION:** Once you have filed your Motion for Rehearing/Reconsideration, you must email a copy to the Judicial Assistant so that the Judge can review and determine whether a hearing is necessary. **THE CLERK DOES NOT NOTIFY THE COURT OF FILED MOTIONS FOR REHEARING.** If the Court requires a hearing, the Judicial Assistant will contact you to coordinate.

**13. MOTION TO WITHDRAW AS COUNSEL:** If the attorney is able to obtain a **signed consent** from their client, then the proposed Order may be submitted through the e-portal in Word format. If the attorney is unable to obtain a signed consent from their client, the motion must be set for hearing with at least 5 days notice to the parties. Please make sure the motion and Notice of Hearing has a Certificate of Service that indicates that they were served on the client. The proposed Order allowing withdrawal of counsel must reflect the following:

- The client’s name, last known address, telephone number, and, if possible, e-mail address;
- A statement that all pleadings are to be furnished to the client;
- A statement that the client is responsible for notifying the Clerk of Court, in writing, within 5 days of any change of address.
- If new counsel has been retained by the client, then all information must be sent to the new attorney and their information must be included in your proposed Order allowing withdrawal.

**14. MOTIONS *IN LIMINE* / PRE-TRIAL MOTIONS:** All Motions *in Limine* and Pre Trial Motions *must be scheduled for hearing prior to the trial date.*

**15. WAIVERS OF APPEARANCE (Delinquency):** Attorney and client appearance may be waived at **ARRAIGNMENT ONLY** with properly filed Notice of Appearance, Entry of Plea, Waiver, etc. All parties are required to be present at Docket Sounding and will only be excused for good cause shown in a written Motion filed with the court and a copy to the judicial assistant at least five (5) business days prior to the court date. *Motions to Continue filed untimely will only be considered if the request is based upon a medical necessity.*

## ADOPTIONS

**15. HEARINGS:** Please contact the Judicial Assistant for available dates to schedule adoptions.

## ORDERS

**16. PROPOSED ORDERS:** All proposed Orders must be submitted through the e-portal main page in Word format as a “Proposed Order” (i.e. NOT as a “Pleading on Existing Case), and should be accompanied by a separately filed cover letter (if necessary stating that opposing parties have reviewed the proposed Order and they have no objection to the form or content of the Order.) If the parties cannot agree, please schedule a hearing. **Do not ask opposing parties to contact the Judge’s office with objections to a proposed Order.** If opposing parties have been forwarded a copy of the proposed Order, but have not responded within a reasonable time frame, you may state so in your cover letter **if the motion was already heard before the Court.** If the matter has not been heard by the Court, and you have not received a response from opposing parties, then it must be set for a hearing. You may submit proposed Orders to the court via the e-portal twenty-four (24) hours prior to your hearing. **If the corresponding motion / petition to your proposed Order is not yet docketed in the Clerk’s system, do not submit your proposed Order. It will be rejected. DO NOT SUBMIT DUPLICATE ORDERS TO THE COURT UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT.** While the court typically addresses proposed orders within 7 – 10 days, it may sometimes take up to 30 days for the court to address a proposed order. This is especially true of the court if the court has had a lengthy trial, lengthy hearing days, is attending a judicial conference, etc. If you have not received a response by the 30<sup>th</sup> day, you should contact the Judicial Assistant to inquire about the status of your proposed order.

IT IS NOT NECESSARY TO FOLLOW UP WITH AN EMAIL TO THE JUDICIAL ASSISTANT WITH “COURTESY COPIES” OF A PROPOSED ORDER, OR TO NOTIFY THE JUDICIAL ASSISTANT THAT A PROPOSED ORDER WAS E-FILED.

**REJECTIONS:** The court will generally provide the reason why a proposed Order was rejected. Please make all necessary corrections and resubmit the proposed order. Do not contact the court to request legal advice. The court cannot provide legal advice.

**FORMATTING:** Additionally, all proposed Orders must be in Times New Roman, 12-point font, with one (1) inch margins. At least three (3) inches shall be left at the bottom of the Order for the Judge’s signature. **The Judge’s signature shall not be on the page alone.**

\*\*\* Please include the following codes for the date and signature line of Orders:

*“DONE AND ORDERED this DDDD in Chambers in Sanford, Seminole County, Florida.”*

**SERVICE OF ORDERS:** The moving party is responsible for providing copies of all Orders to all non-registered parties (meaning all persons that are not registered to receive pleadings via the e-portal). A certificate of mailing said Orders shall be filed with the court no later than 3 days after the Order is signed. **DO NOT PRESUME THAT THE CLERK HAS SERVED YOUR ORDER TO AN INTERESTED PARTY OR PARTICIPANT IN A CASE.**

**DO NOT INDICATE IN THE CERTIFICATE OF SERVICE THAT THE ORDER WAS SERVED BY E-PORTAL. THE CERTIFICATE MUST SPECIFY THE EMAIL ADDRESS SERVED OR THE ADDRESS WHERE THE SERVICE WAS PROVIDED. THIS ALSO APPLIES TO THE SERVICE OF PLEADINGS IN GENERAL.**

### **MISC.**

- **LANGUAGE INTERPRETERS:** To request and schedule a language interpreter please contact Court Administration at 407-665-4945;
- When contacting the Court (via mail or e-mail), please copy all parties. However, **DO NOT** include the judicial assistant when coordinating hearings on cases.
- **When emailing the Judicial Assistant, the subject line must include the case number and style of the case.**

*These policies and procedures may be amended from time to time and should be referred to before contacting the Judicial Assistant regarding courtroom policy and procedures.*