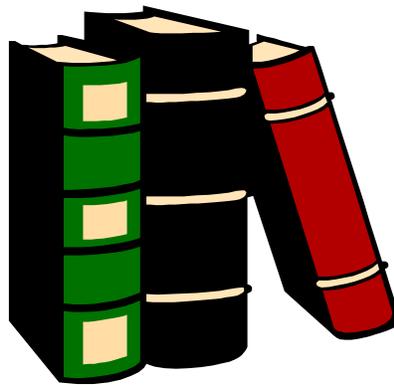


**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY
CIVIL DIVISION K**



**ADMINISTRATIVE
POLICIES AND PROCEDURES
GUIDELINES**

JUDGE DEBRA S. NELSON

(Amended September 17, 2018)

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HEARINGS

1. **SCHEDULING:** Hearing time may be obtained online at www.flCourts18.org under Attorney/Citizen Resources and then Dockets and Calendars. Instructions on setting a hearing can also be found under Attorney/Citizen Resources and Dockets and Calendars. Please review “Judge Nelson/Division K Scheduling Policy” before setting any hearings. Hearings improperly set will be cancelled without notification.

Hearing time for up to *one* hour may be scheduled on JACS. If you need more than *one* hour, your motion will need to be placed on a trial docket. For all Civil matters, please email Kelley Rowland, Civil Trial Coordinator, at Kelley.Rowland@flcourts18.org . For all Domestic/Family matters, please email Sandy Gorman, Family Trial Coordinator, at Sandy.Gorman@flcourts18.org.

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 may be concluded and rescheduled for a subsequent hearing.

2. **EX PARTE:** Ex-parte hearings are five minutes or less and uncontested matters. Ex-Parte hearings are held Monday through Thursday at 9:00 a.m. with exceptions. Please check the Judge’s daily dockets to verify that Ex-Parte hearings are being held that day.

The daily dockets can be found online to www.flcourts18.org, under Attorney/Citizen Resources, and then Available Dockets. Select Civil Div K from the Calendar drop down menu, and then the date in which you would like to set your Ex-Parte hearing.

If Ex-parte hearings are listed at 9 a.m. that day, then you may notice your Ex-Parte hearing. Please do not send a copy of the Notice to the Judge, just file the original in the court file for the hearing.

3. **COORDINATING:** Reasonable attempts need to be made to clear a date with opposing counsel before scheduling on JACS. Do not contact the JA to determine what a reasonable attempt is or how much time is reasonable. That must be determined by the attorney.
4. **PRO SE:** 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 your hearing. A message shall be left on both days requesting a call back to your office by the end of that business day to coordinate the hearing. If at the end of the second business day the opposing pro se party has not contacted you, a hearing may be set unilaterally for a date at least fourteen 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 from the current date.

If the opposing party is pro se and an email address is listed on any of their pleadings, you must email the opposing party in attempt to coordinate a hearing date. If the pro se

party has not contacted you back after one week, a hearing may be set unilaterally for a date at least fourteen days from the current date.

A hearing may not be scheduled within one month if there is no phone number or email address for the opposing pro se party.

Once your hearing is set on JACS you will receive a confirmation number. Please print that confirmation page and attach it to your copy of the Notice of Hearing for your file. Please do not send a copy of the Notice of Hearing to the Judge, just file the original Notice with the Clerk of the Court.

5. **LIST OF MOTIONS ON JACS:** If you do not see the subject of your motion that you are trying to set for hearing listed in the drop down box when scheduling a hearing on JACS, please select "Other Motion." Then list the title of your motion under "Misc" on the next scheduling page. 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, list all other motions in the "Additional Motions to be Heard" box. Please do not send a copy of the motion to the Judge, just e-file the original.
6. **COURTROOM:** All motion hearings, unless otherwise noted, will be held in Courtroom K. Civil and Family trials will be held in Courtroom L.
7. **TELEPHONIC HEARINGS:** Telephonic appearances are not permitted in any cases. All appearances are mandatory in-person.
8. **CONTINUANCES:** Contested motions to continue must be e-filed and set for hearing on JACS.

Stipulated motions to continue do not need to be set for hearing. Once a new date has been coordinated with all parties, the scheduling attorney will need to log in to JACS to reschedule the hearing. The confirmation number from the originally scheduled hearing is required to reschedule the hearing. You will receive a new confirmation number for your records. An Amended Notice of Hearing needs to be filed with the Clerk. Attach a copy of the confirmation page to your copy of the notice of hearing for your file. Please do not send a copy of the Amended Notice of Hearing to the Judge, just e-file the original.

9. **CANCELLING:** Hearings may be cancelled by the original party who set the hearing. To cancel your hearing on JACS please login, and select "To cancel a Hearing" under the main menu. Enter your confirmation number and select "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. 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.

10. **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. Please do not send a copy of your Notice of Hearing to the Judge, just e-file the original.
11. **CROSS NOTICE/PIGGY BACKING:** If you wish to add a motion to a previously set hearing, you must contact the party who set the hearing and obtain permission to share their hearing time. You must contact the JA to add the additional motion(s). Additional hearing time will not be given unless available. Please make sure that Amended Notices and/or Cross Notice of Hearings are e-filed with the Clerk to keep the file updated. Please do not send a copy of your Amended Notice or Cross Notice of Hearing to the Judge.
12. **MATTERS NOT REQUIRING A HEARING:** The following matters do not require a hearing and may be submitted through the e-portal, with a cover letter, 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
 - Stipulated Modifications
 - Stipulated Orders
 - Motion for Substitution of Counsel (Signed by Attorney and Party)
 - Motion to Enter an Agreed Order
 - Motion to cancel and rescheduling a foreclosure sale
 - Motion to Vacate Foreclosure Judgment because of reinstatement
 - Default judgment of *liquidated* amounts
 - Motions to Withdraw (with signed consent from client)
 - Uncontested Final Judgment for Dissolution of Marriage when both parties are represented by counsel.
13. **EMERGENCY HEARING:** If you feel that your motion is an emergency, please e-file your emergency motion and email a copy of same to the JA. Once the emergency motion is reviewed by the Court, and determined to be an emergency, the JA will contact you to schedule an emergency hearing.
14. **HEARING MATERIAL:** All documents that are submitted to the Court in advance of a hearing, including binders of case law and copies of motions, should be sent to the Judge's office at least two weeks prior to the hearing to allow the Judge to review the documents.

MOTIONS AND PROPOSED ORDERS

15. **MOTION TO DISMISS FOR CIVIL CASES:** The moving party must email a copy of their Motion to Dismiss to the JA for the Judge's review, *prior* to setting any hearings on the matter. The Judge will review the motion, and either grant or deny the motion (without a hearing) or request that a hearing is set. The JA will contact the moving party and advise that a hearing is necessary. Any hearings set on JACS prior to Court approval will be cancelled without notice.

16. **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 GM in the past (from the conception of the case, regardless of change in attorneys) and you do not wish to have the GM hear the motion, an objection must be timely filed.

If the case has been referred to the GM in the past for previous issues and neither party filed a timely objection within ten (10) days of the hearing, then no party may object to the hearing before the GM (regardless of change in attorney.)

17. **MOTION TO WITHDRAW AS COUNSEL:** If the attorney is able to obtain a signed consent from their client, a proposed order may be submitted through the e-portal for signature. The motion and signed consent must be e-filed prior to the Motion to Withdraw as Counsel.

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
- c) Statement that the client is responsible for notifying the Clerk, in writing, within five (5) days of any changes of address.

If the attorney is unable to obtain a signed consent, the motion must be set for hearing with at least five (5) days notice to the parties. The motion and notice of hearing must include a certificate of service that indicates they were mailed to the client.

18. **MOTION FOR REHEARING/RECONSIDERATION:** When a Motion for Rehearing/Reconsideration is filed with the Clerk's office, the moving party must also send a cover letter and copy of the Motion for Rehearing/Reconsideration to the Judge. The Clerk will not bring a copy of the motion to the Judge's office. The Judge will either make a ruling on the motion, without a hearing, and copies will be sent out or the JA will contact your office to let you know to set a hearing on JACS. Do not set a hearing unless you receive approval first. The hearing is not the rehearing of the issue but an opportunity for the party to argue their motion before the court.

19. **MOTIONS 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.
20. **RULE TO SHOW CAUSE:** A verified Motion for Rule to Show Cause, with accompanying Affidavit, can either be presented at Ex Parte, or submitted through the ePortal. If the Motion is granted at Ex Parte, the attorney may obtain a date for the Order to Show Cause on JACS.
21. **PROPOSED ORDERS:** Proposed orders and cover letters are to be submitted through the e-portal. All proposed orders will need to be submitted in Word format. If the order is not submitted in Word format, the order will be rejected.

Proposed orders, without cover letters, submitted through the e-portal must have language stating that opposing party/counsel agrees to the entry of the order. Likewise, cover letters must contain language that opposing party/counsel has no objection to the form of the order. Do not ask opposing counsel to contact the Judge's office with objection to a proposed order. If opposing counsel has been forwarded a copy of the proposed order, but has not responded within a reasonable time frame, 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 5 days.

FAMILY DIVISION

22. **TEMPORARY RELIEF:** 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 GM in the past (from the conception of the case, regardless of change in attorneys) and you do not wish to have the GM hear the motion, then an objection must be timely filed. The objection must include the date, time, mediator (if private) and place of mediation in order for it to be deemed valid. *Pursuant to Administrative Order 17-08-S.*

If the case has been referred to the GM in the past for previous issues and neither party filed a timely objection within ten (10) days of the hearing, then no party may object to the hearing before the GM (regardless of change in attorney.)

Mediation on the temporary issues must occur prior to setting a hearing before the Judge. Temporary relief hearings before the Judge will be limited to 30 minutes.

23. **MOTION FOR CHILD PICK-UP ORDER:** Without notice, a copy of the motion with justification for lack of notice must be provided to the Judge by either hand delivery or mail 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 a 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.

24. **PETITION TO RELOCATE:** Parties must comply with §61.13001 of the Florida Statutes. If a timely objection has been filed and a party is seeking an expedited hearing on their motion for temporary relocation, they must contact the JA. Failure to contact the JA to obtain expedited hearing time will constitute a waiver of the time frames contained in the statute.

25. **UNCONTESTED DISSOLUTION OF MARRIAGE:** Uncontested Dissolution of Marriage Final Judgments, where both parties are represented by counsel, can be submitted through the e-portal, with a cover letter, stating that opposing counsel has reviewed the Final Judgment and does not object to the court entering the FJ.

For cases involving minor children, the Final Judgment must include the specifics on child support (*i.e.*, amount to be paid, schedule of payments, method of payment.)

If one party is unrepresented, the UCD can be set on the Ex-Parte calendar. Please refer to page 2 for instructions on Ex-Parte hearing dates.

If both parties are *pro se*, a Form A must be filed with the Clerk of Court. This form can be found on the 18th circuit website, under Program/Services, Self Help (Represent Yourself.)

26. **FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE:**

The final judgment must contain the following:

- (a) Appropriate paragraph relating to any child issues, for example, support, time sharing 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) The signature page must contain text from the final judgment. 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. The certification must include all names and addresses of the parties, and a designated date and signature block for the judicial assistant.

- (d) A separate sheet with identification information of all the parties, including, names, addresses, the last four digits of their social security numbers, as well as the date of birth of any 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 can also be made to State Disbursement Unity (SDU) at P.O. Box 8500, Tallahassee, FL 32314. Payment shall be made in the form of cash, cashier's check, certified check, money order or other payment for acceptable to the Clerk of SJU, and must include the case number, name of the payor and payee for the 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.

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

- (f) If there are any 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/party for approval as to form and language prior to submission to the court. All final judgments are to be accompanied by a cover letter stating that opposing party/counsel has no objection of the entry of the final judgment. If the parties cannot agree to the final judgment, a hearing must be set on the matter.

- 27. **ADOPTION and TERMINATION OF PARENTAL RIGHTS PENDING:** These matters are set on the Ex-Parte calendar. Please refer to page 2 for instructions on Ex-Parte hearing dates.

If both parties are *pro se*, a Form A must be filed with the Clerk of Court. This form can be found on the 18th circuit website, under Program/Services, Self Help (Represent Yourself.)

RESIDENTIAL MORTGAGE FORECLOSURE

28. **Mediation:** Any case where the owner has filed a responsive pleading must be mediated 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 the Eighteenth Judicial website for the required forms and information.

Waving 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 ex-parte. Please submit your proposed order through the e-portal.

TRIALS

29. **FAMILY DIVISION:**

FAMILY COORDINATOR:
Sandy Gorman (407) 665-4222
Sandy.Gorman@flcourts18.org

(Contact regarding: Pretrial Conferences, & 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 an e-mail addresses to counsel of record or if pro se parties, stamped, self-addressed envelopes to all parties. If e-mails or 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 PRIOR TO TRIAL

PRETRIAL CONFERENCE: Orders Requiring Mediation, Setting Pre-Trial 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 pretrial conference with a phone number if they wish to appear by phone. 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 this time.

30. **CIVIL DIVISION:**

CIVIL COORDINATOR:
Kelley Rowland (407) 665-4203
kelley.rowland@flcourts18.org

(Contact regarding: Case Managements, Pretrial Conferences, & Trials)

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. If e-mail addresses do not accompany the Notice for Trial the Court will take no action. The notice shall include an estimate of the time required, whether the trial is to be by a jury or not, and whether the trial is on the original action or a subsequent proceeding. The case will then be forwarded to the **Civil Division Coordinator** for review. The court will issue an Order Setting Case Management Conference which is required for all cases requiring one day or more to complete. Cases requiring less time will simply be placed on a one or two week trial docket.

CASE MANAGEMENT CONFERENCE: The trial coordinator will conduct a Case Management Conference telephonically to determine the exact status of the case. Parties are to be available for at least one (1) hour from the stated time for a phone call from the trial coordinator. *Pro se* parties must contact the trial coordinator before the case management conference with a phone number if they wish to appear by phone. Parties will be required to strictly adhere to the Order Setting Case Management Conference. The trial coordinator may, at the time of the conference, schedule expert disclosure deadlines and/or set a Pretrial Conference and trial date.

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/parties are required to attend in person the pretrial conference, even if a time certain for trial has been set. The court may designate counsel to send written notice to opposing counsel or *pro se* party who did not appear at the pretrial conference. The court will not address any pending motions at this time.

MOTIONS TO CONTINUE PRE-TRIAL/TRIAL: Opposed Motions for Continuance of Case Management, Pre-Trial, and/or Trial must be set for hearing. Any motion for continuance must be made in writing, signed by counsel for the parties, and shall state when the cause will be ready for trial. In ruling upon such motions, the court will weigh the following factors:

- What are the legal grounds?
- When was the case filed?
- When was the case noticed for trial?
- When was the motion filed?
- Will the parties be prejudiced?
- Has the case been previously continued and if so how many times?

- Has there been compliance with the temporary support order?
- What is the condition of court's calendar?

31. **FORECLOSURE DIVISION:**

FORECLOSURE COORDINATOR:

Lisa Hockenhull (407) 665-4296

Lisa.Hockenhull@flcourts18.org

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 address to all counsel of record or pro se parties. The notice shall include an estimate of the time required. The case will then be forwarded to the Foreclosure Division Coordinator for review. The court will expect full compliance with the Order Setting Foreclosure Trial.

MOTIONS TO CONTINUE PRE-TRIAL/TRIAL: Opposed Motions for Continuance of Case Management, Pre-Trial, and/or Trial must be set for hearing. Any motion for continuance must be made in writing, signed by counsel for the parties, and shall state when the cause will be ready for trial. In ruling upon such motions, the court will weigh the following factors:

- What are the legal grounds?
- When was the case filed?
- When was the case noticed for trial?
- When was the motion filed?
- Will the parties be prejudiced?
- Has the case been previously continued and if so how many times?
- Has there been compliance with the temporary support order?
- What is the condition of court's calendar?