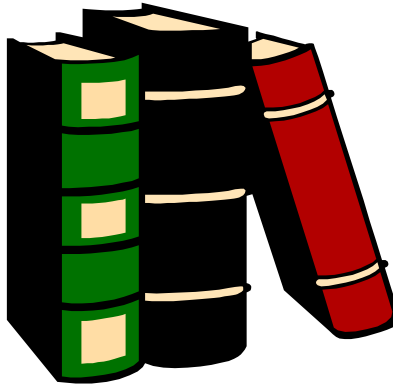


**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY
JUVENILE DIVISION B**

**(Juvenile Dependency, Juvenile Delinquency, Probate, Mental Health & Guardianship
Division)**



**ADMINISTRATIVE
POLICIES AND PROCEDURES
GUIDELINES**

JUDGE WILLIAM S. ORTH

SEMINOLE COUNTY JUVENILE JUSTICE CENTER

190 ESLINGER WAY

SANFORD, FLORIDA 32773

(407) 665-5342

JUDICIAL ASSISTANT: DEBBIE WHITEHEAD

DEBBIE.WHITEHEAD@FLCOURTS18.ORG

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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 and/or pagers 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;
- **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. Judge Orth allows scheduling on JACS. JACS is set up for attorney scheduling but can't be viewed by the public. Once the hearing has been coordinated with all appropriate parties, please schedule online and email the JA a copy of the Notice of Hearing.

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 Orth 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 ADVISE THE JUDICIAL ASSISTANT THAT THE SCHEDULED HEARING IS CONTINUED OR CANCELLED SO THAT IT IS REMOVED FROM THE COURT'S DOCKET.

3. NOTICE OF HEARING*: A Notice of Hearing must specifically state the matter(s) to be heard, the date, time, how much time was reserved, 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. 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. Please also email a courtesy copy of your Notice of Hearing to the JA.

*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. Please also email a courtesy copy of your Notice of Hearing to the JA.

*Probate / Guardianship / Mental Health: After you have scheduled your hearing on JACS, you must e-file a Notice of Hearing **with the amount of time reserved for the hearing and** email a copy to the JA (Debbie.whitehead@flcourts18.org).

4. TELEPHONIC / REMOTE (Microsoft Teams) APPEARANCE: Telephonic and/or remote appearance at hearings may be permitted on a case by case basis. **In Person Hearings are Preferred.** You must e-file a Motion to Appear telephonically/remotely, as well as, a proposed Order. **The proposed Order must state the date and time of the hearing, the name of the party(ies) appearing and a telephone number for the Court to call at the time of hearing; (or email addresses for all participants if requesting Teams).** (See below for formatting and filing proposed Orders.) If multiple parties wish to appear by telephone, the proposed Order must provide **ONE** telephone number (conference line) for the Court to call at the time of hearing. Any party appearing by telephone or 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 phone or Teams need to stand-by for at least one hour **from** the time the hearing is set.

5. 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. Any other motion, the Court may enter an Order, or may require hearing, as in 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)

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

7. EVIDENTIARY HEARINGS & TRIALS: If you have scheduled an evidentiary hearing you MUST Notice it as such.

For all evidence and trial exhibits YOU MUST CONTACT THE CLERK OF COURT to schedule a date and time to come in to mark evidence, prior to your scheduled hearing / trial. Please contact the Clerk of Court directly at (407) 665-5354 to coordinate same.

8. HEARING MATERIALS: Should you wish for Judge Orth to review materials or case law prior to a hearing, please submit via hand delivery or U.S. mail at least ten (10) days prior to your hearing.

9. PROBATE: Judge Orth 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. (Debbie.whitehead@flcourts18.org)

10. INCAPACITY: Once you have filed your Petition please submit an Order Appointing Attorney/Elisor and an Order Appointing Examining Committee. The Clerk of Court will assign the examining committee members and attorney/elisor in order of rotation. Once all examining committee reports have been filed please schedule your hearing on JACS. You must submit an Order Compensating Exam Committee prior to setting the incapacity hearing.

11. GUARDIANSHIP: Petitions for Appointment of an Emergency Temporary Guardian do not require a hearing. Please submit your proposed Order and Letters once the Petition has been accepted and docketed by the Clerk. For approval of minor settlements and appointment of a guardian for settlements exceeding net proceeds of \$15,000.00 or more, please submit an Order Appointing a Guardian ad Litem. Once the GAL's report has been filed, and all credit reports and background checks have been filed, you may submit your proposed Order approving settlement and appointing guardian. If a hearing is necessary the Court will contact you to schedule same.

12. MOTION FOR RECONSIDERATION: 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.

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.

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 (juvenile, attorney and parent/guardian) MUST be present in-person at Docket Sounding.

ADOPTIONS

16. HEARINGS: Please contact the Judicial Assistant via email for available dates to schedule adoptions. (Debbie.whitehead@flcourts18.org)

ORDERS

17. PROPOSED ORDERS: All proposed Orders should be submitted through the e-portal main page in Word format 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. **Please do not submit proposed Orders until AFTER your hearing.**

FOR MATTERS NOT REQUIRING A HEARING, PLEASE DO NOT SUBMIT A PROPOSED ORDER UNTIL YOUR MOTION OR PETITION HAS BEEN ACCEPTED AND DOCKETED BY THE CLERK OF COURT. Any Orders submitted without the corresponding motion or petition in the Court file will be rejected.

ALL PROPOSED ORDERS SHOULD BE FORMATTED AS FOLLOWS:

DONE and ORDERED on DDDD in Chambers in Sanford, Seminole County, Florida.

JJJJ

Copies provided via e-service only. Moving party is responsible for service of all non-registered parties.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Florida Court's e-filing portal on MMMM to the following:

CCCC

AAAA

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.

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: Debbie.whitehead@flcourts18.org;
- Seminole County Juvenile Justice Center, 190 Eslinger Way, Sanford, Florida 32773