

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA**

OCAD 2013- 02

IN RE: FAMILY LAW PRETRIAL ORDERS

In order to assist litigants with cases involving family issues; to avoid conflict and minimize inconvenience to the family; and to maximize all resources readily available to resolve family disputes in a fair, timely, efficient and cost effective manner, the following pretrial orders are hereby approved and shall take effect upon the individual family law Circuit Judge in Okaloosa County directing the Clerk of Court for Okaloosa County to issue said orders in the family law cases assigned to said Circuit Judge, and providing an authorized electronic signature of the assigned family law Circuit Judge.

A. Family Law Standing Pretrial Order for Dissolution of Marriage Original Actions (attached hereto as Exhibit A)

1. This order applies to both parties in an original action for dissolution of marriage. The Clerk of Court for Okaloosa County shall provide two copies of this order to the petitioner in an original action for dissolution of marriage, upon the filing of the petition for dissolution of marriage.

2. The petitioner shall have a copy of this order served upon the respondent, along with the summons and copy of the petition for dissolution of marriage.

B. Order of Referral to Family Mediation (attached hereto as Exhibit B)

1. This order applies to all petitions for dissolution of marriage, supplemental petitions for modification, petitions for determination of paternity, petitions for support unconnected with dissolution of marriage; and all counter petitions in such actions; except for those cases where all the issues have been agreed upon by the parties and are evidenced by an agreement or stipulation, in writing, signed by the parties and/or their respective attorneys and filed with the Clerk of Court at the time of the filing of the action.

2. The Clerk of Court for Okaloosa County shall provide two copies of this order to the party filing one of the aforementioned petitions or counter petitions, at the time of filing.

3. The party filing the petition or counter petition shall have a copy of this order served upon the other party.

C. Order to Attend Department of Children and Families Approved Parent Education and Family Stabilization Course (attached hereto as Exhibit C)

1. This order applies to all parties in all petitions for dissolution of marriage

involving minor children common to both parties, paternity actions, and any other domestic relations actions when so ordered by the Court.

2. The Clerk of Court for Okaloosa County shall provide two copies of this order to the petitioner in the aforementioned cases when the action involves minor children common to both parties, at the time of filing.

3. The party filing the petition shall have a copy of this order served upon the other party.

D. The foregoing Family Law Pretrial Orders may be amended from time to time by memoranda from the Okaloosa County Administrative Judge, to include updated lists of state certified, contracted mediators, and Department of Children and Families approved Parent Education and Family Stabilization Courses.

This Directive is effective immediately upon signing.

DONE AND ORDERED in Fort Walton Beach, Okaloosa County, Florida, this 4th ___ day of April, 2013.

/William F. Stone/
WILLIAM F. STONE
ADMINISTRATIVE JUDGE

Conformed copies furnished to:
Honorable Terry D. Terrell, Chief Judge
All Circuit and County Court Judges, Okaloosa County
Honorable Don W. Howard, Clerk of Court, Okaloosa County
Magistrate Thomas Nixon
Nickolas G. Petersen, Child Support Hearing Officer
Robin Wright, Trial Court Administrator
Alicia Wardlow, Court Operations Manager
Okaloosa-Walton Bar Association
Escambia-Santa Rosa Bar Association

DON W. HOWARD
CLERK OF COURT

By: Deputy Clerk

EXHIBIT A

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA
FAMILY LAW DIVISION

Petitioner,

and

Case Number: _____

Respondent.

_____ /

**FAMILY LAW STANDING PRETRIAL ORDER FOR
DISSOLUTION OF MARRIAGE ORIGINAL ACTIONS**

The following Family Law Standing Pretrial Order (“Order”) shall apply to both parties in an original action for dissolution of marriage. Service of this Order shall be made with service of process of a Petition for Dissolution of Marriage and shall be effective with regard to the Petitioner upon filing of the petition, and with regard to the Respondent upon service of the summons and Petition for Dissolution of Marriage or upon waiver and acceptance of service. This Order shall remain in place during the pendency of this action, unless modified, terminated or amended by further order of the Court upon motion of either party.

It is hereby **ORDERED** as follows:

I. ALL PARTIES TO A DISSOLUTION OF MARRIAGE ACTION MUST ABIDE BY THE FOLLOWING:

- A. Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose of, without the consent of the other in writing, or without an order of the Court, any disputed property, individually or jointly held by parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney’s fees and costs in connection with this action. This provision is not to be interpreted to control property which is co-owned with a

third party. In such case, either party may file an appropriate motion with the Court with notice to all whose property rights may be affected.

- B. Neither party shall incur any unreasonable or unnecessary debts, including but not limited to, further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonable use of credit cards or cash advances against credit or bank cards.
- C. Neither party may conceal from the other or destroy any family records, business records, or any records of income, debt, or other obligations. Each party who has traditionally paid the following: life insurance, automobile insurance, homeowner's or renter's insurance policies, shall continue to maintain same and keep in full force and effect. Neither party shall change the beneficiaries of any existing life insurance policies.
- D. Neither party shall cause the other party of the marriage to be removed from any medical, hospital and/or dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

II. ALL PARTIES TO A DISSOLUTION OF MARRIAGE ACTION INVOLVING MINOR CHILD(REN) COMMON TO THE PARTIES MUST ABIDE BY THE FOLLOWING:

- A. Neither party shall remove, cause to be removed, nor permit the removal of any minor child(ren) from their current county of residence *for residential purposes* without the written agreement of both parties or an order of this Court.
- B. It is the law that, in general, contact with both parents is in the children's best interest, and that children are entitled to frequent and continuing contact with both parents when the parents separate or divorce. Further, the parent who is or wants to be the parent with the majority of the timesharing has an affirmative obligation to encourage and nurture a relationship between the children and the alternative residential parent. A parent who restricts access of the children to the other parent and does not encourage a relationship between the children and the other parent, for no good reason, perhaps should not be designated the parent with the majority

of the timesharing. Such a parent is not acting in the children's best interest and is not following the law. In nearly all cases, the Court orders shared parenting of the minor children by the parents. This means the parents must confer with each other and agree upon all parenting decisions. The parties are encouraged to determine a timesharing schedule for the minor child(ren) based on the minor child(ren)'s best interests. Any timesharing schedule should be established in writing. If the parents cannot agree on any issue, then the Court will decide. For cases in which child abuse and/or neglect is alleged by a party against the other parent, that party shall promptly file the appropriate pleadings with the Court to seek immediate relief from this Order.

1. The law expects parents to put aside their feelings and cooperate on all decisions involving the children. The following guidelines are appropriate in most cases:
 - a. Children have a right to a loving, open and continuing relationship with both parents. They have the right to express love, affection and respect for one parent in the presence of the other parent.
 - b. Neither parent may alienate a child's affection for the other parent.
 - c. Parents must separate any bad feeling for one another from their duties as parents. Their duty is to share the children's time and share in making parenting decisions. Children must be free to draw their own conclusions about each parent, without the prejudicial influences of the other parent.
 - d. Children have the right to never hear a parent, or a relative or a friend of a parent, belittle or degrade the other parent.
 - e. Children have the right to be free of guilt as the parents have decided to separate. They are entitled to honest answers to questions about changes taking place in the family makeup. However, information regarding the divorce case should not be discussed with the children.
 - f. Parents should never be so preoccupied with their own problems that they fail to meet the children's needs. Separation of the parents

usually has a worse impact on the children than on the parents, a fact both parents should never forget.

- g. Each parent should openly, honestly, respectfully and regularly communicate with the other parent to avoid misunderstandings. They should never argue about the children in front of them.
 - h. Parents should discuss all the differences between them regarding their separation, financial issues and parenting decisions out of the presence of the children. Both parents should always try to present a united front in handling any problems with the children.
 - i. Children have the right to regular and continuing contact with both parents. Parents should arrange all visitation and exchanges between themselves and not through the children. The children should never be the messenger between the parents.
 - j. Visitation plans should be kept and never cancelled unless absolutely necessary. If plans change, children should be given an explanation, preferably in advance and by the parent causing the cancellation.
2. Common Courtesies (politeness, promptness, readiness, calling to notify if one is going to be late) should always be observed when picking up and dropping off the children. These times can be very stressful to the children, so it is imperative that parents always behave as responsible adults.
- a. Between visits, children should be encouraged to contact the absent parent by letter, email and phone, frequently and continuously.
 - b. Parent/child access and child support, while they may be emotionally connected, are separate and distinct under the law. Accordingly, a child's right to access to his or her parent does not depend on the payment of child support.
 - c. A child should never be the delivery person for support payments or other communications between the parents.

d. Both parents are entitled to participate in and attend all special activities

in which their children are engaged, such as religious activities, school programs, sports events and other extracurricular activities and programs.

e. Parents should share information concerning children's activities and school information.

C. The child's school attendance zone shall be where he/she has customarily attended unless neither party resides in that zone. If the child has not attended school anywhere (grades K-12) at the time of filing, then the child shall attend the school in the district in which the parties last resided together as a family unit for at least sixty (60) days. In the event neither party resides in the same school attendance zone, then the child shall attend school in the zone in which he/she has primarily resided for the sixty (60) days preceding the start of school. The parties may agree otherwise in writing as appropriate to the needs of their minor child(ren) in compliance with school attendance zoning guidelines.

D. In general, the law requires child support to be paid from the date the parties separated, which is nearly always a date before the petition was filed. Therefore, to avoid building up an arrearage in child support, the parent with whom the child(ren) are not residing the majority of the time must make voluntary payments of child support to the parent the child(ren) reside with the majority of the time prior to the entry of an order requiring payment of support. Should the parties follow a 50/50 timesharing plan, then the parent with the higher income will likely be responsible for child support to the parent with the lower income. Waiting for an order can be very expensive because child support can be ordered from the date of separation. If child support is paid in excess of that required by the statute, the paying parent may ask for a refund. If child support is ordered, it will be in accordance with the child support guidelines, pursuant to section 61.30, Florida

Statutes. Therefore, it is in both parties' best interests to determine the correct amount of child support quickly and begin paying promptly.

- E. Neither party shall cause the child(ren) of the marriage to be removed from any medical, hospital and/or dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.
- F. If the parties have child(ren), a party moving out of the family residence shall notify the other party or the other party's attorney, in writing, within forty-eight (48) hours of such move, of an address and telephone number where the relocated party can receive communication. This provision does not apply if there is a conflicting court order, such as a domestic violence injunction.
- G. Failure to obey this Order may be punishable by contempt of court. If you wish to modify this Order, you must file an appropriate motion with the Okaloosa County Clerk's Office.

DONE AND ORDERED in Okaloosa County, Florida, this _____ day of _____, 2013.

Circuit Judge

Conformed copies to:

Petitioner with copy for service upon Respondent

EXHIBIT B
IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA
FAMILY LAW DIVISION

Petitioner,
and Respondent. Case Number: _____
_____ /

ORDER OF REFERRAL TO FAMILY MEDIATION

All petitions for dissolution of marriage, supplemental petitions for modification, petitions for determination of paternity, petitions for support unconnected with dissolution of marriage; and all counter petitions in such actions, are hereby ordered to family mediation for resolution of the issues of dissolution of marriage, property division, spousal support, shared or sole parental responsibility, paternity, child support, and parenting/timesharing. It appearing to the Court that this action has a pending matter(s) which involves one or more of the foregoing issues, the Court hereby orders the pending matter(s) to family mediation, as follows:

1. Petitioner or Petitioner's attorney must choose a mediator from the attached list of state certified, contracted mediators. If Respondent or Respondent's attorney does not agree with the mediator selected by the Petitioner, the Petitioner must contact the Mediation Services Office (850-595-4482), and a mediator will be assigned to the case. Once the mediator is chosen or assigned, the Petitioner or Petitioner's attorney must contact the mediator to schedule a mediation conference, and provide the mediator with current mailing addresses and telephone numbers for both parties and any attorneys.
2. All Parties and their attorneys are directed to meet with the mediator at such times as appointments are set. After or during the first session, at the discretion of the mediator and with agreement of the Parties, Family Mediation may proceed in the absence of counsel. All mediation shall be completed within 75 days of the date of this Order and prior to requesting a final hearing unless extended or waived by order of the Court, for good cause shown.

3. Each Party shall prepare a notarized Financial Affidavit in the form approved by the Florida Supreme Court Forms 12.902(b) or 12.902©) which can be found at http://www.flcourts.org/gen_public/family/forms_rules/index.shtml and file the original with the Court prior to the mediation session. Each Party shall present a copy of the Financial Affidavit filed with the Court to the other Party prior to the mediation session. Each Party shall present a copy of the Financial Affidavit filed with the Court to the mediator at the time of the first mediation session.
4. The provisions of this Order shall not apply to those cases where all the issues have been agreed upon by the Parties and are evidenced by an agreement or stipulation, in writing, signed by the Parties and/or their respective attorneys and filed with the Court at the time of the filing of the action or prior to the scheduled date of the first mediation session.
5. All issues, including but not limited to a parenting plan, primary residence, timesharing with a child, support of a child, equitable distribution of property, alimony, medical and life insurance issues, and responsibility for and amount of attorney's fees and costs are hereby referred to mediation pursuant to the terms of this Order. The attorneys participating in the case shall prepare any Agreement reached at mediation. If both Parties are pro se (not represented by an attorney), the mediator shall prepare any Agreement reached at mediation.
6. The confidentiality of any records of Family Mediation Services shall be maintained at all times in accordance with the requirements of Florida Law.
7. Mediation fees will be \$120.00 per person per session when the Parties' combined income is greater than \$50,000 but less than \$100,000 per year; \$60.00 per person per session when the Parties' combined income is less than \$50,000, if the Parties choose one of the mediators on the attached list. The fees shall be paid to the Clerk of Court once a mediation session has been scheduled. Said fees shall cover the costs of the first mediation session. A mediation session is defined as the time needed to resolve contested issues in

the case, for up to three (3) hours. Any time needed above three (3) hours must be agreed upon by the Parties and the mediator. Fees for any additional mediation sessions shall be paid to the Clerk of Court prior to that session.

8. When the Parties' combined income is greater than \$100,000, the fees for mediation will be contractual between the Parties and the mediator. The Parties are free to contract with any of the State Certified Family Law Mediators listed on the First Judicial Circuit website at:
<http://www.firstjudicialcircuit.org/programs-and-services/family-law/family-law-mediation>
9. If any Party is determined to be indigent by the Clerk of Court by filing a Civil Affidavit/Application for Indigent Status for the case being mediated, the fees will be waived. A copy of the receipt indicating the mediation fees have been paid or the Affidavit approving indigent status must be presented to the mediator at the time of the mediation.
10. If a scheduled mediation is not cancelled at least 72 hours prior to the appointment excluding weekends, the fees will be due and payable, to be paid prior to final judgment. Mediation fees required herein may be subject to assessment as court costs.
11. Failure to comply with any requirement set forth above will result in the issuance of an Order to Show Cause to the Party not complying as to why he or she should not be held in contempt of court.

DONE AND ORDERED in Okaloosa County, Florida, this _____ day of _____, 2013.

Circuit Judge

Conformed copies to:

Petitioner with copy for service upon Respondent

EXHIBIT C

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA
FAMILY LAW DIVISION

Petitioner,

and

Case Number: _____

Respondent.

_____ /

**ORDER TO ATTEND DEPARTMENT OF CHILDREN AND FAMILIES
APPROVED PARENT EDUCATION AND FAMILY STABILIZATION COURSE**

This Order shall apply to all parties in all petitions for dissolution of marriage involving minor children common to both parties, paternity actions, and any other domestic relations actions when so ordered by the Court. It appearing to the Court that this action involves minor children common to both parties, the Court hereby orders as follows:

1. Each party shall attend and successfully complete one of the Department of Children and Families (DCF) approved Parent Education and Family Stabilization Course, either in person, by correspondence, or on-line, at their own expense, unless the Court has granted a request to attend an alternative course. A list of approved on-site courses in the First Judicial Circuit is attached hereto. A list of approved on-line/distance learning courses can be located at:

<http://www.dcf.state.fl.us/programs/childwelfare/docs/ParentEducationAndFamilyStabilization.pdf>

2. Parties with special circumstances must obtain approval from the Court prior to taking an alternative course. Parties who reside outside the First Judicial Circuit but within the State of Florida may contact the Clerk of the Court in the county in which they reside for a list of DCF-approved course providers.

3. All parties shall begin the course as expeditiously as possible. The Court may excuse a party from attending the course, or from completing the course within the required time, for good cause. For dissolution of marriage actions, unless excused by the Court for good cause, the Petitioner must complete the course within 45 days after the filing of the petition, and all other parties must complete the course within 45 days after service of the petition. For paternity actions, unless excused by the Court for good cause, the Petitioner must complete the course within 45 days after filing the petition, and any other party must complete the course within 45 days after an acknowledgment of paternity by that party, an adjudication of paternity of that party, or an order granting timesharing to or support from that party.
4. Each party shall file proof of satisfactory completion with the Court prior to the final hearing being scheduled or the entry of the final judgment.
5. Upon a party's unexcused failure to successfully complete the course, the Court may take appropriate action, including but not limited to, an action for contempt or the denial of shared parental responsibility or timesharing.

DONE AND ORDERED in Okaloosa County, Florida, this _____ day of _____, 2013.

Circuit Judge

Conformed copies to:
Petitioner with copy for service upon Respondent