

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

ADMINISTRATIVE DIRECTIVE NO: OCAD2023-04

**IN RE: POLICIES AND PROCEDURES OF THE FAMILY LAW DIVISION OF
THE CIRCUIT COURT, OKALOOSA COUNTY, FLORIDA**

WHEREAS, the Circuit Court for Okaloosa County, Florida, has established a Family Law Division effective April 1, 1992, and

WHEREAS, a primary purpose of the Family Law Division is to coordinate services to one family so that multiple cases involving one child will be heard by one judge; and

WHEREAS, the Family Law Division shall have jurisdiction over the following matters: dissolution of marriage; annulment; support unconnected with dissolution of marriage; paternity; child support; UIFSA; custodial care of and access to children; proceedings for temporary custody of minor children by extended family; adoption; name change; declaratory judgment actions related to premarital, marital, or postmarital agreements; civil domestic violence, repeat violence, dating violence, stalking, and sexual violence injunctions; juvenile dependency; termination of parental rights; juvenile delinquency; emancipation of a minor; CINS/FINS; truancy; and modification and enforcement of orders entered in these cases;

WHEREAS, 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; and

WHEREAS, the Judges assigned to the Family Law Division agree to establish these uniform procedures and policies relative to family law cases, it is, therefore,

ORDERED AND ADJUDGED:

1. EFFECTIVE DATE: These administrative policies and procedures shall be effective **June 5, 2023**.

2. APPLICABILITY: The administrative directive shall apply to all proceedings filed in the Family Law Division of the Circuit Court, First Judicial Circuit, Okaloosa County, Florida. Parties representing themselves and counsel of record for parties shall abide by these policies and procedures. Whenever the term “counsel” appears in this directive, it shall be defined to include parties representing themselves.

3. FAMILY LAW COVER SHEET: The Family Law Cover Sheet required by Florida Family Law Rule of Procedure 12.100(c)(3) (Form 12.928) is required to be filed at the time a petition is filed by the party initiating the action.

4. NOTICE OF RELATED CASES: A Notice of Related Cases required by Florida Rule of General Practice and Judicial Administration 2.545(d) and Florida Family Law Rule of Procedure 12.100(d) (Form 12.900(h)) is required to be filed at the time the initial pleading is filed by the party initiating the action. In any domestic relations case, counsel shall identify any related litigation, including dependency cases, even if the matter is closed.

5. FAMILY LAW STANDING PRETRIAL ORDER FOR DISSOLUTION OF MARRIAGE ORIGINAL ACTIONS: The Family Law Standing Pretrial 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 the Family Law Standing Pretrial Order to the petitioner in an original action for dissolution of marriage, upon the filing of the petition for dissolution of marriage. The petitioner shall have a copy of the Order served upon the respondent, along with the summons and copy of the petition for dissolution of marriage. Pursuant to paragraph 19, the Family Law Standing Pretrial Order has been published by separate memorandum (*see* Paragraph 19).

6. REFERRAL TO FAMILY MEDIATION: It is the policy of the Court to make maximum use of mediation proceedings as authorized by §44.102, Florida Statutes (2022), and Florida Family Law Rules of Procedure 12.740 - 12.741. Upon the filing of a petition for dissolution of marriage, supplemental petition for modification, petition for determination of paternity, or a petition for support unconnected with dissolution of marriage, the Court will enter an Order of Referral to Family Mediation. The Order of Referral to Mediation shall apply to all 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. The Clerk of Court for Okaloosa County shall provide two copies of the Order of Referral to Family Mediation to the party filing one of the aforementioned petitions at the time of filing. The party filing the petition shall have a copy of the Order served upon the respondent along with the summons and copy of the petition. Pursuant to paragraph 19, the Order of Referral to Family Mediation has been published by separate memorandum (*see* Paragraph 19). A Notice of Non-Jury Trial filed in any of the above-referenced actions should recite that the parties have attempted resolution through mediation.

7. UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA) STATEMENTS AND ALLEGATIONS: §61.522, Florida Statutes (2022), requires that the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act be complied with by the filing of a verified affidavit simultaneously with any pleading requesting child custody or visitation or by making the necessary allegations in the verified pleading. This requirement applies to all dissolution of marriage cases involving minor children, whether contested or uncontested, all paternity actions, and all other custody or visitation proceedings addressed by the Act.

8. FULL NAME, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER: The full name and Social Security Number of the party and the minor child(ren) must be provided in the party's Notice of Social Security Number, in accordance with §§61.052(7), 61.052(8), 742.031(3), and 742.032(3), Florida Statutes (2022) (Form 12.902(j)). Each child's full name and date of birth must be provided in the UCCJEA Affidavit, Parenting Plan, and proposed Final Judgment, in accordance with Florida Rule of General Practice and Judicial Administration 2.425(b) and §61.522, Florida Statutes (2022).

9. FINANCIAL AFFIDAVITS: When required by Florida Family Law Rules of Procedure Rule 12.285, financial affidavits must be timely filed by the parties. If a party fails or refuses to file a financial affidavit when required, opposing counsel may move for an Order requiring the party to do so without a hearing (*see* Paragraph 19 below). Financial affidavits shall be filed in uncontested dissolutions whether the parties represented by counsel or appearing *pro se*, even though child support or alimony has been agreed upon in a Marital Settlement Agreement. If there is a material change in either party's financial circumstances during the pendency of the proceedings, an amended updated financial affidavit shall be filed no later than 5:00 p.m. (CST) three (3) business days prior to the hearing or trial, unless a different deadline is imposed by Court Order. The financial affidavit must be consistent with Form 12.902(b) or 12.902(c) of the Family Law Forms. The filing of financial affidavits may be waived if there are no minor or dependent children and neither party's pleadings seek any financial relief from the Court. *See Salczman v. Joquiel*, 776 So.2d 986 (Fla. 3rd DCA 2001).

10. MANDATORY DISCLOSURE: Unless it is waived by the parties, each party shall file a verified Certificate of Compliance with Mandatory Disclosure pursuant to Florida Family Law Rule of Procedure 12.285(j) (Form 12.932) indicating that the party has exchanged certain financial information with the other party. If a party fails or refuses to file a Certificate of Compliance when required, opposing counsel may move for an Order requiring the party to do so without a hearing (*see* Paragraph 13).

11. DEPARTMENT OF CHILDREN AND FAMILIES APPROVED PARENT EDUCATION AND FAMILY STABILIZATION COURSE: All parties involved in dissolution of marriage cases involving minor children and paternity cases will be required to attend and successfully complete a Department of Children and Families (DCF) approved Parent Education and Family Stabilization Course, at the parties' own expense, and file proof of completion of the course prior to the final judgment being entered in the case. Upon the filing of a petition in a dissolution of marriage involving minor children, a paternity action, and any other domestic relations action when so ordered by the Court, the Court will enter an Order to Attend Department of Children and Families Approved Parent Education and Family Stabilization Course. The Clerk of Court for Okaloosa County shall provide two copies of the Order to the petitioner in the aforementioned cases at the time of filing. The party filing the petition shall have a copy of the Order served upon the respondent. Pursuant to paragraph 19, the Order to Attend Department of Children and Families Approved Parent Education and Family Stabilization Course has been published by separate memorandum (*see* Paragraph 19). If a party fails to complete the parenting course within the time specified in the Order to Attend Department of Children and Families Approved Parent Education and Family Stabilization Course, the other party or counsel may move for an Order requiring the party to do so without a hearing (*see* Paragraph 13). Failure to complete the required parenting course may adversely affect the noncompliant party's timesharing with the child(ren).

12. CHILD SUPPORT GUIDELINES WORKSHEETS: A child support guidelines worksheet must be prepared and presented to the Court by counsel for the party requesting an award of child support, whether at a temporary hearing, contested trial, modification of child support hearing, or uncontested final hearing where a Marital Settlement Agreement has been reached. If opposing counsel does not stipulate to the correctness of the worksheet submitted, he or she must present a separate worksheet on behalf of his or her client.

13. MOTIONS TO COMPEL WITHOUT A HEARING: Motions to compel discovery and motions to compel another party to comply with certain requirements under the Florida Family Law Rules of Procedure (i.e., filing a financial affidavit, Mandatory Disclosure) or an Order of the Court (i.e., for completion of an approved parenting course) will not be set for a hearing or addressed without a hearing unless the motion states that the moving party or attorney has contacted opposing counsel in

writing and attempted to resolve the matter without a hearing, but that the matter could not be resolved informally. The letter to the opposing party shall give him or her ten (10) days to respond to the discovery request or to comply with certain requirements under the Florida Family Law Rules of Procedure or an Order of the Court, or to request an extension of time within which to comply. The ten (10) day letter shall refer to the Rule or Order in which the opposing party is non-compliant.

If no response is received within ten (10) days of the date of the letter, the moving counsel may file a motion to compel alleging a complete failure to respond to the discovery request or to comply with a requirement under the Florida Family Law Rules of Procedure or an Order of the Court and there has been no request for an extension.

If the above procedures are followed, an Order may be entered without a hearing requiring compliance with the original discovery request or requiring the offending party to comply with a requirement under the Florida Family Law Rules of Procedure or Order of the Court within the time frame stated in the Order to Compel. The moving counsel shall submit the proposed Order to the Court with a copy to the opposing party, and the Order shall state that the Court will reserve jurisdiction to assess attorney's fees and costs to the non-complying party.

14. MOTIONS FOR CONTINUANCE: Florida Rule of General Practice and Judicial Administration 2.545(e) requires that any motion for continuance be in writing and signed by the party requesting such continuance, unless good cause can be shown as to why a party cannot sign the motion for continuance, as well as the attorney for the party. A stipulation of continuance does not automatically continue a case. A Court Order is necessary to continue any case with or without a stipulation. Continuances will not be granted without a hearing if the opposing party or attorney objects.

15. MOTIONS TO WITHDRAW: When an attorney files a Motion to Withdraw, no hearing is necessary if the client signs a Consent to Withdrawal and the opposing party does not object. The original Consent to Withdrawal must be attached to the Motion to Withdraw, and a proposed order shall be submitted to the Court for signature. The client's Consent to Withdrawal shall include a designation of the client's primary email address and up to two secondary email addresses for service of documents pursuant to Florida Rule of General Practice and Judicial Administration 2.516(b)(1)(C). The proposed Order shall include the client's current or last known mailing and the client's designated primary and secondary email addresses for service of future documents. If the client does not sign a Consent to Withdrawal, a hearing is necessary, and notice shall be provided to the client of the hearing.

16. CROSS-NOTICING MOTIONS: There will be no cross-noticing of motions or "piggybacking" of one or more motions upon a previously scheduled motion unless counsel first contacts the judge's judicial assistant to confirm that the calendar will accommodate the hearing of such additional matters at the scheduled time. This proscription against cross-noticing is inapplicable when the parties have both pled for and seek the same relief, such as temporary timesharing and temporary child support. Each party must file a notice on their issues. The time reserved should be sufficient to address both parties' positions. The time listed on each notice shall be the time set for the entire hearing.

17. WRITTEN CALCULATION OF ARREARAGE: Whenever enforcement of delinquent child support, alimony or other monetary payment arrearage is sought, moving counsel must present to the Court, with a copy provided to opposing counsel or party, a written calculation sheet showing how the arrearage was calculated. If payments were required to be made through the Clerk of the Court or the State of Florida Disbursement Unit, a clerk's certificate current as of the date of the last payment due prior to the hearing shall be obtained and presented to the Court, with a copy

provided to opposing counsel or party. If interest on the arrearage is requested, its amount and method of computation must likewise be shown on the written calculation sheet.

18. PROPOSED ORDERS: Copies of all proposed Orders, being sent to the Court for signature must first be provided to opposing counsel, and that opposing counsel shall attempt to agree upon the form and content of the proposed order within five (5) days of receipt unless an extension is requested. If opposing counsel consents to the form and content of a proposed Order, the party who prepared that proposed Order shall submit via electronic communication (i.e., e-mail) that Order to the Court indicating that opposing counsel consents to the entry of the proposed Order. If opposing counsel objects to the form and content of a proposed Order and the parties cannot work out the discrepancies, the party who prepared that proposed Order shall indicate that upon submission of the proposed Order to the Court. If a party is *pro se*, opposing counsel shall attempt to obtain any objection(s) to the form or content of the proposed Order within five (5) days of receipt unless an extension is requested. If the *pro se* party consents to the form and content of a proposed Order, opposing counsel shall submit via electronic communication that Order to the Court indicating that the *pro se* party consents to the entry of the proposed Order. If the *pro se* party objects to the form and content of a proposed Order and the parties cannot work out the discrepancies, opposing counsel shall indicate that upon submission of the proposed Order to the Court. Upon electronic submission of any proposed Order to the Court, it is required that the party preparing such proposed Order or Judgment shall list all names and the current email and/or mailing addresses of all parties, including those acting *pro se*, to whom the proposed Order is to be distributed to.

19. FAMILY LAW PRETRIAL ORDERS: The Family Law Standing Pretrial Order, Order of Referral to Family Mediation, and Order to Attend Department of Children and Families Approved Parent Education and Family Stabilization Course may be amended from time to time by Memorandum 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. The Orders set forth in paragraphs 5, 6, and 11 have been published by Memorandum dated June 5, 2023.

20. COMMUNICATION TECHNOLOGY (E.G., ZOOM): All parties should be familiar with Florida Rule of General Practice and Judicial Administration 2.530(b), including its distinction between non-evidentiary proceedings and testimony.

21. UNCONTESTED DISSOLUTION OF MARRIAGE WITHOUT HEARING BY SPECIAL AFFIDAVIT: The procedure for seeking an uncontested dissolution of marriage without a hearing is set forth in a separate administrative directive, OCAD2023-05 entered on June 5, 2023.

22. PROCEDURE FOR UNIFIED FAMILY COURT ONE FAMILY, ONE JUDGE AND FAMILY LAW CASE ASSIGNMENTS: The policies and procedures for identifying, transferring, and administratively consolidating related Family Law cases are set forth in a separate administrative directive, OCAD2023-03 entered on June 5, 2023.

23. INDIVIDUAL JUDGE'S PREFERENCES AND MISCELLANEOUS POLICIES AND PROCEDURES: Each judge has his or her own policies and procedures regarding such miscellaneous matters as remote hearings via Zoom, submitting exhibits, in-camera testimony of child witnesses, etc. Counsel desiring to ascertain the judge's policy or procedure on such a matter should refer to the judge's preferences posted on the First Judicial Circuit website, www.firstjudicialcircuit.com or may make inquiry of the judge or the judicial assistant.

DONE AND ORDERED at Fort Walton Beach, Okaloosa County, Florida this 5th day of June 2023.

/S/ WILLIAM F. STONE
WILLIAM F. STONE
ADMINISTRATIVE JUDGE

Administrative Directive No. OCAD2023-04

Copies furnished to:

Honorable John L. Miller, Chief Judge
All Circuit Judges, Family Law Division
Kasey Watson, Trial Court Administrator
Ursula Hall, Court Operations Manager, Okaloosa County
Okaloosa Clerk of Circuit Court
Okaloosa Bar Association
Escambia-Santa Rosa Bar Association
Walton Bar Association
Honorable J.D. Peacock II, Clerk of Circuit Court