

DIVISION 03 FAMILY LAW PROCEDURES

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Volusia County Courthouse

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Cancellation of hearings (including case management and docket sounding) at the last minute results in a waste of valuable hearing time that could otherwise have been made available to other litigants. The ultimate result is an unnecessary delay in availability of hearing time to others. Judges feel that proper use of hearing time will enable litigants to obtain earlier hearing dates on court calendars.

As hearing time for Division 03 is limited **please review the Standards of Professional Courtesy found on this webpage, and follow the procedures listed below.**

The following procedures are to be implemented:

- 1) MOTIONS: All motions must be e-filed/filed with the Clerk of Court before a hearing will be scheduled. State in your motion the position of opposing counsel – whether they object or not to the motion.
- 2) HEARING TIME: Before requesting hearing time on any matter, contact opposing counsel/party to see if the matter can be resolved without need of a hearing, or possibly referred to the General Magistrate or Child Support Hearing Officer for resolution. ***Review Standards of Professional Courtesy**
- 3) When a hearing is necessary: obtain hearing time from the Judicial Assistant (make sure to email the JA with the specific motion and doc number, and how much time each side with need for the hearing); include the opposing party on the email; the JA will then give at least 3 dates/times for consideration; review that time with opposing counsel, or pro-se litigant, to determine if there is a conflict; CONFIRM the hearing date with the Judicial Assistant and send out a Notice of Hearing immediately.
- 4) NOTICE OF HEARING: Make sure to include the case number, location (Hearing Room D409 or Courtroom 2A); name of motion you are calling up for hearing; and the clerk's document number. A courtesy copy of the notice should be emailed directly to the Judicial Assistant.

Counsel for the party noticing the hearing should include on the Notice of Hearing a truthful statement as follows:

“The undersigned counsel has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised in the motion(s) noticed for hearing herein.”

- 5) CONTINUANCES: Unless you have an Order continuing your case, your case is still set on the docket and your appearance is required.
- 6) CANCELLATIONS: All counsel noticed for hearing (including case management and docket sounding), please remember that your appointment for hearing is with the Court, and not just each other. Each judge has his or her own cancellation policy. Once the time of hearing has been firmly calendared, the hearing may be cancelled only in accordance with the cancellation policy of the judge before whom the hearing is scheduled.
- 7) When a case is concluded before a hearing (by voluntary dismissal, mediation, stipulated order of dismissal, etc.) you must notify the Court’s Judicial Assistant of any scheduled hearings which should be cancelled. Simply notifying the Court that a case has been settled is not sufficient notification of cancellation of scheduled hearings. A Notice of Cancellation should be e-filed with a courtesy copy of the notice emailed directly to the judicial assistant. ONLY THE COURT CAN CANCEL A TRIAL (even if the case is settled).
- 8) If a case is set for Case Management, Docket Sounding or Final Hearing/Trial and the matter has resolved, a Final Judgment or Final Order must be signed before the case can be removed from the calendar. Simply calling, or filing an Agreement, does not remove the case or excuse the parties from attending the scheduled matter.
- 9) PROPOSED ORDERS/FINAL JUDGMENTS: You may submit proposed orders in WORD format to the Judicial Assistant provided that #10 below is followed regarding conformed copies. A cover letter must be attached to the proposed Order/Final Judgment stating the opposing party’s position on the proposed Order/Final Judgment. **TO THE JA UNTIL THE OPPOSING PARTY HAS REVIEWED IT. THE COURT WILL NOT “HOLD” PROPOSED ORDERS.**
- 10) FINAL JUDGMENTS: All Final Judgments should be submitted to opposing counsel/party for review prior to being submitted to the Judge’s office. A cover letter must be attached to the proposed Final Judgment packet stating the opposing party’s position on the Final Judgment.

If you would like a certified copy of the Final Judgment it will need to be submitted to the Judge's office in hard copy, along with copies to be conformed and pre-addressed, stamped envelopes for each party. Final Judgment packets should be submitted at least 48 hours prior to the final hearing, or submitted at the hearing.

- 11) Please carefully review the Uniform Pre-Trial Procedures in Family Cases (posted on this webpage). There are documents required to be filed with the Court prior to trial. Mediation and parenting classes are to be completed BEFORE the trial date.
- 12) In cases where child support and/or alimony will be ordered, Financial Affidavits are required to be filed, by both parties, prior to case management.

Adherence to the above will help our division to better manage valuable hearing time. This will benefit you and your clients. Thank you for your anticipated cooperation and assistance.