

## Judicial Practices and Procedures

Division 58

(last modified January 16, 2026)

Kenneth J. Janesk, II, Circuit Judge

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### Contact Information

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### A. Communications with the Judicial Office

- **Method of Communication:** Direct communications with the judge are not allowed. All communications to the judicial office must be made to the Judicial Assistant, Megan Lapinski, by phone to 904-827-5654 or by e-mail to [mlapinski@circuit7.org](mailto:mlapinski@circuit7.org). The subject line of emails should contain the case number, case name, and relevant matter (e.g., DR25-0000 – Smith v. Jones – copy of case law for hearing). **Emails are the preferred method of communication.**
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding,

unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.

- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the Court. Parties may only contact the judicial office in accordance with these practices and procedures. Any unsolicited communication may be returned to sender or placed in the court file.
- **Response to Inquiries:** The Court's Judicial Assistant is not authorized to provide legal advice. If the Court's Judicial Assistant is out of the office, you will receive an automated response to your email directing you on how to proceed in her absence. Responses to e-mails will be given in the order in which the e-mails are received.
- **E-Filing Portal Contact Information:**
  - All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516.
  - It is the responsibility of attorneys and self-represented litigants to update their contact information any time there is a change in the e-mail account registered for electronic service.

## **B. Scheduling Procedures**

- **Determine Whether a Hearing Is Needed:** Parties should, whenever possible, contact the opposing party before filing or upon receiving a motion to determine if the matter can be resolved in whole or in part. This may alleviate the need for filing the motion or allow submission of an agreed order in lieu of a hearing.
- **Scheduling Hearings:**
  - Hearings need to be coordinated among all parties and counsel, included self-represented parties. Hearings on cases with parties represented by counsel are to be scheduled through the Benchmark internet scheduling system. Instructions for using Benchmark can be found on the Judge's webpage at [www.circuit7.org](http://www.circuit7.org). Hearings may not be scheduled on the Court's calendar less than 10 days before the scheduled hearing date without the Court's consent. Pro Se parties are to contact the Judicial Assistant to schedule a hearing.
  - No hearing shall be scheduled on motions that have not yet been filed. Hearings scheduled on unfiled motions will be stricken. A Notice of Hearing must be filed **immediately** upon securing hearing

time.

- ***No hearing may be scheduled for longer than one hour on Benchmark.*** Any hearing requiring more than one hour may only be scheduled through the Judicial Assistant or during a Case Management Conference. If a hearing is scheduled for more than one hour without prior authorization from the Court, the hearing will be stricken.
  - Multiple motions in the same case may not be scheduled at non-sequential times throughout the same day.
  - Counsel must ensure that enough time is reserved to allow for arguments by all parties. All parties will receive equal time during hearings. Hearings scheduled with insufficient time to hear all parties' arguments will be stricken and continued until sufficient time is available.
  - Other parties in a case are not permitted to notice a hearing on a different motion at the same time as the scheduled hearing without the consent of the party that reserved the time. Hearings set in such a manner will be stricken.
  - Parties having difficulty securing available hearing time are urged to frequently check Benchmark for available hearing time, since the Court's hearing schedule is frequently changing due to hearing cancellations.
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- **Unilaterally Scheduling Hearings:** Before scheduling any hearing, the party requesting the hearing time shall make good faith reasonable efforts to coordinate the date and time of the hearing with all opposing parties. If, after making good faith reasonable efforts, the party is unable to coordinate a mutually agreeable date and time, a party may then unilaterally schedule the hearing. The notice of hearing shall indicate that it is unilaterally scheduled, and the party (or counsel) must certify in writing that they have made good faith, reasonable efforts to coordinate the scheduling of the hearing with the opposing parties.
  - **Notice of Hearing:** A notice of hearing must be filed and served by the party scheduling the hearing *immediately* after reserving hearing time. A notice of hearing must include the following minimum information: the case style including case number; the date, time, and location of the hearing; the matter(s) to be heard including docket number or filing date of each motion; the judge presiding over the hearing; and the amount of time reserved for the hearing. A notice of hearing involving any remote appearance must list the Zoom meeting information. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.
  - **Materials Submission Deadlines:** The Court will review motions set for hearing before the hearing. The Court welcomes the filing of additional

memoranda of law or copies of legal authority (statutes, regulations, case law) the parties desire for the Court to review at least five (5) business days before the hearing. A copy must be sent to all opposing parties simultaneously.

- **Continuance Procedure:** Motions for continuance are disfavored and will be granted only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence is not grounds for granting a continuance. The motion must be signed by the party requesting the continuance, as required by Florida Rules of General Practice and Judicial Administration 2.534(e).

Motions for continuance must be submitted at least three (3) days prior to the scheduled court date for which the continuance is sought, barring exigent circumstances.

Motions for continuance must state with specificity: (1) the basis of the need for the continuance, including when the basis became known to the movant; (2) whether the motion is opposed; (3) the action and specific dates for the action that will enable the movant to be ready, including, but not limited to, confirming the specific date any required participants are available; and (4) the proposed date by which the case will be ready to proceed and whether that date is agreed by all parties.

- **Cancelling Hearings:** Hearings noticed by the Court may only be cancelled by the Court. Hearings noticed by one or more parties may only be cancelled by the Court, the scheduling party, or by agreement of all parties involved in the hearing. You must cancel hearings by notifying the Judicial Assistant immediately by email including a copy of a filed cancellation notice. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant. Further, no hearing may be cancelled fewer than three (3) business days before the hearing, unless the case has settled in its entirety or an agreed order on the motion is submitted to the Court fully resolving the matters to be heard.

### **C. Remote Appearance**

- **Remote Appearance Procedure:**

All hearings regardless of the number of matters to be heard, scheduled for one hour or longer or that are evidentiary must be attended in person. Non-evidentiary hearings scheduled for less than one hour may be attended in person or through audio-video communication technology, as

defined in Rule 2.530(a)(2), Fla. R. Gen. Prac. & Jud. Admin., unless the Court orders appearances in a specific manner. Parties and/or counsel planning to attend a non-evidentiary hearing via audio-video communication technology must file at least 72-hours prior to the hearing a notice of their intention to do so.

- **Platform Used:** The court uses Zoom for remote appearances.
- **Platform Meeting ID#:** Meeting ID#: 803 460 6710 passcode: 610964
- **Requirements:** Persons appearing by zoom must have audio capabilities and are requested to have video capabilities. Please attempt to have your Zoom settings show your name. All participants shall be in appropriate attire and in an appropriate location. Zoom court is still court. If a witness appears remotely, the party calling the witness must ensure the witness has a functioning camera and microphone and has tested the internet connection before the hearing. The oath will be administered in accordance with Florida Rule of General Practice and Judicial Administration 2.530. Witnesses who are unable to comply with the above may be prohibited from testifying.

#### **D. Submission of Orders and Judgments**

- **Format:** Proposed orders should be submitted in Microsoft Word format using the Court's division email address: [division58@circuit7.org](mailto:division58@circuit7.org) PDF orders will not be accepted unless necessary. The division email is solely for the purpose of submitting proposed orders. Do not submit other pleadings or requests via this division email address.
- **Agreed Orders:** If the proposed order is agreed, the email should indicate agreement and the title of the order should be "Agreed Order...", "Unopposed Order...", or "Consent Order..."
- **Contested Orders:** If the parties disagree as to the form of the order, a red-line version of the proposed order should be submitted.
- **Ex-Parte Orders Compelling Discovery:** If you are sending in a proposed ex-parte order compelling the production of discovery, you must comply with Administrative Order FM-2022-011-SC which requires written notice to the opposing party giving 10 days to provide discovery and attaching that notice to the motion to compel.
- **Status of Proposed Orders:** If you have submitted a proposed order and it has not been entered within a reasonable time, you may inquire

regarding the status by emailing the Judicial Assistant. *Please do not submit the same proposed order multiple times.*

- **Deadline for Submissions:** Proposed orders must be submitted within ten (10) business days after any hearing, unless otherwise instructed by the Court.

#### **E. Courtesy Copies of Case Law and Other Documents**

- **When Required:** Courtesy copies of case law are never required but may be submitted to the Court for any proceeding.
- **Format:** Electronic submission in PDF format to the Judicial Assistant is the preferred method.
- **Deadline for Submissions:** Courtesy copies must be delivered to the court no later than five (5) business days before any evidentiary proceeding.

#### **F. Emergency and Other Urgent Matters**

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) the reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.
- **Scheduling:** After filing the emergency motion and motion for hearing, a party should contact the Judicial Assistant to schedule a hearing by emailing a copy of the motions. If the court determines that an emergency exists, a hearing will be scheduled by the Court. All parties must make themselves available for the emergency hearing, barring exigent circumstances.

#### **G. Exhibits for Evidentiary Proceedings**

- **Format:** A document filed with the Clerk of Court is not an exhibit. The Court must accept your exhibits at a trial or hearing. Original exhibits should be pre-marked before the hearing with the Clerk of Court.
- **Submission Method:** The Court will keep the original exhibits entered into evidence at trials and hearings. If you are not otherwise required to provide your evidence to the opposing party before the hearing, please bring two (2) additional copies, one for you to keep, and one to give to

the opposing party. Parties are encouraged to pre-mark original exhibits by labelling them with an “A,” “B,” etc. prior to any trials or hearings.

- **Electronic Exhibits:** The Court will not accept texts, photos, or videos that are only available on a cell phone, tablet, or laptop. You must print off copies of texts or photos. You must save videos to a flash drive. It is recommended that you bring a laptop to the trial or hearing with you to help display videos on the flash drive, and then leave the flash drive with the Clerk of Court.

## **H. Pretrial Procedures and Conferences**

- **Case Management Conference:**
  - All cases will be set for a Case Management Conference (CMC). See Fla. Fam. L. R. P. 12.200 (a). Unless excused by the Court in advance, all CMCs are mandatory for attorney and self-represented litigants.
  - After an action is at issue, the Court may, or upon motion of either party, set the case for a Pretrial Conference. See Fla. Fam. L. R. P. 12.200 (b).

## **I. Setting Case for Trial**

- **Procedure:** See Fla. Fam. L. R. P. 12.440. Provided the case is at issue, at a CMC the Court will generally set the case on a trial docket at the appropriate time without a party having to file a notice. The Court’s proposed trial dates will be posted on the judge’s webpage. Parties can run a report through Benchmark to view current availability.

### Directions for obtaining trial availability:

- In Benchmark, select “Reports” and then choose “Available Hearing Times”.
- Fill in the report options to choose a begin date, end date, Judge, and the event type of “Trial (Family)” then click submit. A report will be generated that will provide all currently available trial dates.
- **Notice Period:** Trials will be set for docket call and a trial week by the Court. The trial date will be determined at docket call. The Court may assign back-up cases. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the entire trial period. Parties should advise the Court of any scheduling conflicts at the docket sounding. All trial counsel and pro se parties must attend docket sounding, bringing with them their calendars and the availability of all important witnesses for the trial week.

## **J. Forms**

- **Florida State Courts System Self-Help Center:**

<https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/family-law-forms>

## **K. Other Division Procedures**

- **Bringing Minor Children to Court:** Except in certain circumstances (i.e., dependency, delinquency, adoption, name change) children may not attend court proceedings unless the judge has issued an order authorizing the appearance. See Fla. Fam. L. R. P. 12.407
- **Notice of Substitution of Counsel/Motion to Withdraw as Counsel:** Absent written consent of the client, a hearing is required on a Notice of Substitution of Counsel / Motion to Withdraw as Counsel. If you have written consent from the client which has been filed with the Clerk of Court, you may forward a proposed order via email to the division email address listed above.
- **Uniform Pre-Trial Procedures in Family Cases:** Pursuant to Administrative Order, *Uniform Pretrial Procedures in Family Cases* have been adopted and the Order applies in all Family Law Cases. Parties should familiarize themselves with the Order establishing these procedures and comply with its terms. [https://circuit7.org/wp-content/uploads/EAB\\_family\\_uniform\\_pretrial\\_procedures.pdf](https://circuit7.org/wp-content/uploads/EAB_family_uniform_pretrial_procedures.pdf)
- **Standing Family Law Court Order:** Pursuant to Administrative Order, a *Standing Family Law Court Order* is to be issued in all cases involving dissolution of marriage, paternity and/or support actions. Parties should familiarize themselves with the Order and comply with its terms. <https://circuit7.org/orders/fm-2018-040-sc/>
- **ADA Accommodations:** If you need ADA accommodation, please contact Court Administration, 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724; 386-257-6096; [adarequest@circuit7.org](mailto:adarequest@circuit7.org).
- **Family Mediation:** The Seventh Judicial Circuit's Family Mediation Program provides low-cost mediation services for parties to family law cases whose combined income is less than \$100,000 per year. Parties who are order to the Family Mediation Program can schedule mediation by contacting the Mediator's Office at (904) 827-5638