JUDICIAL PRACTICES AND PROCEDURES[1]

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Division 03

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[1] If any of the practices or procedures set forth herein appear to conflict with a duly adopted "Rule of Procedure" (Fla. R. Gen, Prac. & Jud. Admin. or Fla. Fam. L. R. P.), the Rule of Procedure shall govern.

A. Communications with the Judicial Office

- **Method of Communication:**

    - Email is the preferred method of communication.
        - The subject line must contain the case number, case name, and relevant matter.
            - e.g., 2024 00000 FMDL – Doe v. Doe - 2-Hour Hearing Requested.

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

        - The Judicial Assistant is not permitted to relate to the Court the contents of any emails, letters or telephone conversations which would be considered improper ex-parte communication.

        - Email should not be used as a substitute method of requesting action by the court, in the absence of a supporting pleading, motion, notice or another appropriate document having been first filed with the Clerk.

- **Ex parte Communications:**

    - With limited exceptions, a judge is prohibited from initiating, permitting, or considering ex parte communications concerning a pending proceeding.[2]

- **Unsolicited Communications:**

    - Unsolicited communications from non-parties will not be considered by the court.

[2] Except as provided by Code of Judicial Conduct, Canon 3(7) or otherwise by law.

- **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 using Form 2.603 any time there is a change in the e-mail account registered for electronic service.

- **Response to Inquiries:**

    - The judicial assistant will respond to all inquiries within 24 hours (excluding weekends and holidays).

    - The judicial assistant is not authorized to provide legal advice.

B. Scheduling Procedures

- **Court Schedule:**

    - A list of the court's future case management, docket sounding and trial dates may be found on the judge's webpage at www.circuit7.org.

    - For all other available hearing time, parties should contact the judicial assistant as set forth in Section A. above.

- **Scheduling Hearings:**

    - Reasonable efforts should be made to resolve the issue in question before setting a hearing.

    - Reasonable attempts should be made to coordinate the date and time of the hearing with all parties and counsel, including self-represented parties.

- To request hearing time:

  - Email the court's judicial assistant, lmpomar@circuit7.org with the opposing party or his/her counsel (if applicable) copied on the email. Please include:
    - ❖ The case number
    - ❖ The case style of case.
    - ❖ The amount of time necessary for the hearing.
    - ❖ The motion(s) / matter(s)to heard.

- The judicial assistant will respond to all parties with available hearing times.
  - The judicial assistant should not be included on the email string between the parties as they attempt to coordinate the hearing date.

- Once the parties have agreed on a date and time, one of the parties must contact the judicial assistant to confirm the hearing time. Available hearing time is subject to change until confirmed with the judicial assistant.

- **Notice of Hearing:**

  - Once the hearing time is confirmed, the party requesting the hearing **must immediately** file a Notice of Hearing setting forth:

    - The time and date of the hearing
    - The motion(s) or matter(s) to be heard (identified by the clerk's docket number).
    - The amount of time reserved.
    - The location of the hearing:

      Hearing Room D302[3] *or* Courtroom 2A

[3] Digital recording is not available in the Hearing Room.

(Confirm location as to Hearing Room or Courtroom with the judicial assistant.)
Volusia County Courthouse
101 N. Alabama Avenue
Deland, FL 32724

- A courtesy copy of the Notice of Hearing must be emailed to the Judicial Assistant at the time it is filed.

- All notices of hearing must contain the ADA notification required by Fla. R. Gen. Prac. & Jud. Admin. 2.540.

- **Submission Deadlines (hearings):**

    - Unless a longer or shorter time is prescribed by a rule of procedure, the materials should be submitted at least 5 business days prior to the scheduled hearing.

- **Cancelling Hearings:**

    - The party who noticed the hearing may cancel the hearing by filing a notice of cancellation.

    - A party may not cancel any hearing noticed by the other party.

    - The party cancelling the hearing, in addition to filing a notice of cancellation must also immediately email the Judicial Assistant a copy of the notice of cancellation.

    - A hearing set by order of the Court may only be cancelled by the Court.

C. Remote Appearance

- **Remote Appearance Procedure:**
    - The procedure for requesting remote appearance is governed by Fla. R. Gen. Prac. & Jud. Admin. 2.530. Requests to use communication technology for an appearance must be made by motion in compliance with the Rule.
- **Platform Used:**
    - The court uses Zoom for remote appearances.
- **Zoom Meeting ID:**
    - 626 659 0386 (No Password Required).
- **Other Remote Appearance Procedures:**
    - A motion requesting remote appearance for a *non-evidentiary hearing* must be filed at least 5 business days prior to the scheduled hearing.
    - A motion requesting remote appearance at an *evidentiary hearing* or to otherwise present testimony through the use of communication technology must be filed at least 20 days prior to the scheduled hearing.
    - Remote Appearance is authorized for hearings on a *motion to withdraw as counsel* without the necessity of a separate motion and order.

D. Submission of Orders and Judgments

- **Format:**
    - All proposed orders must be submitted in Word format.
    - All proposed orders must be accompanied by a representation in the transmittal email that:
        - Either:
            - (1) all parties agree to the form of the order or
            - (2) the parties disagree as to the form of the order, and a statement identifying any disagreement of the parties as to the proposed order.
    - If the parties disagree as to the form of the proposed order, each party should submit a proposed order to the court and e-file the proposed order as an attachment with a ***Notice of Filing***.
- **Submission Method:**
    - Email to Division03@circuit7.org. (only)
      (Do not send a copy to Judicial Assistant's email address)
        - The Division 03 email address is for submitting proposed orders ONLY. Do not submit other pleadings, requests, questions or other communications to the Court via this divisional email address, you will not receive a response.
- **Deadline for Submissions:**
    - Proposed orders must be submitted within 10 days after any hearing.

- **Other Procedures Relating to Submission of Orders and Judgments:**

    - "Agreed Orders" – If the parties are submitting an order that has been agreed to or is otherwise based on a stipulation or written agreement of the parties, it is the responsibility of the parties to make sure the appropriate agreement, stipulation or other supporting documents confirming said agreement are e-filed with the Clerk of Court prior to submitting the "Agreed Order" for the court's consideration.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:**

    - The Court welcomes the filing of memoranda of law and/or case law supporting or opposing a motion or other matter to be heard.

    - The filing of any memorandum of law and/or case law is required if a party intends to rely on the memorandum or case law at hearing.

- **Submission Method:**

    - Any party who wishes the Court to consider a memorandum and/or case law, shall electronically file the submission with the Clerk and provide a copy to all other counsel and self-represented parties.

    - A courtesy copy of the memorandum and/or case law may be provided by U.S. Mail, private delivery service or hand delivery directly to the Court. In the alternative to a full copy of the material filed being provided, the party may simply provide the court with a Notice of Filing.

- **Deadline for Submissions:**

    - Unless a longer or shorter time is prescribed by a rule of procedure, the materials should be submitted at least five (5) business days prior to the scheduled hearing.

F. Emergencies 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) reasons why an emergency hearing is necessary, and
        - (3) the amount of time needed for each party's presentation.

- **Scheduling:**

    - If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the court.

    - All parties shall make themselves available for the emergency hearing, barring exigent circumstances.

G. Exhibits for Evidentiary Proceedings

- **Submission Method:**

    - All exhibits shall be delivered to the Clerk of Court for pre-marking. Please contact the Clerk of Court at (386) 736-5908 for details and to coordinate a time for delivery.

- **Format:**

    - Exhibits must be in paper format. Audios / Videos must be submitted on a portable storage device (jump drive/ flash drive) as applicable.

- **Deadline for Submissions:**
    - All exhibits must be received by the Clerk of Court by the close of business 5 days before the scheduled hearing or trial.
- **Other Procedures Relating to Exhibits for Evidentiary Proceedings:**
    - The Court would welcome a courtesy copy of all exhibits in advance of the hearing or trial, delivered directly by U.S. Mail, private delivery service or hand delivery, but courtesy copies are not mandatory.

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 attorneys and self-represented litigants. Parties represented by counsel are not required to appear at a CMC.
- **Pretrial Conference:**
    - After an action is at issue, the court may, or upon motion of either party will 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 (for Docket Sounding) at the appropriate time without a party having to file a "notice that the action is at issue."
    - Notice at Issue.
        - A party may notify the court that the case is ready to be set for trial by filing a "Notice at Issue" in accordance with Rule 12.440(b).
    - Rule 12.440(c) provides that once an action is ready to be set for trial, **the court shall enter an order setting the action for trial.** Accordingly, a party may not "Notice" an action for trial.
- **Docket Sounding:**
    - At Docket Sounding, the court will set each case for a certain time trial.
- **Self-Represented Litigants:**
    - In case where both parties are representing themselves, once a case is ready to be set for trial, the court will set the case for a time-certain trial at the CMC.

J. Helpful Forms

- **Florida State Courts Systems Self-Help Center:**
    - https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida/Family-Law-Forms

K. Division FAQs

- **Motions:**

    - Reasonable efforts should be made prior to filing a motion, to contact the opposing party to determine if the matter can be resolved in whole or in part. This may alleviate the need to file the motion or may allow submission of a stipulation and proposed order in lieu of a hearing.

    - Motions must be e-filed and **docketed** by the Clerk before a hearing will be scheduled, or an order submitted to the Judge for review.

    - All Motions should set forth the **position of the opposing party** (whether they object or not, or the attempts made to reach the opposing party).

    - It is a party's responsibility to move a Motion forward either by obtaining hearing time or providing the court with a proposed order where appropriate. The Clerk's Office does not forward motions to the court for consideration (even emergency motions filed by counsel).

- **Continuances:**

    - Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.545(e):

        - Continuances should be few and granted only upon a showing of good cause.

        - All motions for continuance must be in writing and signed by the party requesting to continue.

        - Except in exceptional circumstances, a motion for continuance must be submitted at least 5 business days prior to the scheduled court date.

- **Legal Advice:**

    - The Judicial Assistant is unable to provide "legal advice" or otherwise advise parties as to "what they need to do." It is the responsibility of each attorney and their staff as well as self-represented litigants to be familiar with applicable rules and statutes and choose the appropriate course of action. The Judicial Assistant is prohibited from doing this for you.

- **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 / Motions to Withdraw as Counsel. (See Fla. R. Gen. Prac. & Jud. Admin. 2.505) 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 divisional email address listed above.

- **Bringing Minor Children to Court:**

    - Except in certain circumstances (ie. 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*.

L. Other Helpful Information

- **Uniform Pre-Trial Procedures in Family Cases:**

    - Pursuant to Administrative Order, *Uniform Pretrial Procedures in Family Cases* have been adopted and the Order applies to all Family Law Cases. https://circuit7.org/wp-content/uploads/Uniform-Pre-Trial-Procedures-in-Family-Cases.pdf

    - Parties should familiarize themselves with the Order establishing *Uniform Pretrial Procedures in Family Cases* and comply with its terms.

- **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. https://circuit7.org/orders/fm-2026-040-sc/

    - Parties should familiarize themselves with the *Standing Family Law Court Order* and comply with its terms.

- **ADA Accommodations:**

    - If you are a person with a disability who needs an accommodation in order to access court facilities or participate in a court proceeding, you are entitled, at no cost to you, to the provision of certain assistance. To request such an accommodation, please contact Court Administration in advance of the date the service is needed:

        - Court Administration
          101 N. Alabama Ave., Ste. B-206
          DeLand, FL 32724

(386) 257-6096

- https://circuit7.org/ada/

- **Interpreter Requests:**
  - For more information email interpreter@circuit7.org or call 386-626-6566
  - https://circuit7.org/court-interpreting-services/

- **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 ordered to the Family Mediation Program can schedule mediation by contacting the Mediator's Office at (386) 943-7099 (DeLand).
  - https://circuit7.org/family-court-services/