

**IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR VOLUSIA COUNTY, FLORIDA**

**STANDING ORDER FOR PROBATE / GUARDIANSHIP CASES IN DIVISION 10**

The following procedures apply to all Probate and Guardianship cases pending in Division 10. These procedures are designed to assist the parties in having their cases handled as efficiently as possible. If you have questions regarding the requirements set forth herein, please contact the judicial assistant for the division at [csutton@circuit7.org](mailto:csutton@circuit7.org) or (386) 736-5945.

**Hearings:**

- A. **All hearings for Division 10** need to be scheduled through the judicial assistant by email at [csutton@circuit7.org](mailto:csutton@circuit7.org). The email must include the case number (example: 2024 11111 PRDL), motion(s) and docket number to be heard along with the docket number, and amount of time being requested. All hearings must be coordinated with all counsel. When there are a number of related smaller hearings that require an aggregate of more than 1 hour, this will be considered the equivalent of one hearing needing more than 1 hour.
- B. All hearings scheduled for **one hour or longer** or that are **evidentiary** must be attended in-person, unless ordered otherwise. **Non-Evidentiary** hearings scheduled for **less than one hour** may be attended using audio-video communication technology, as defined in Rule 2.530(a)(2), Fla. R. Gen. Prac. & Jud. Adm., or attended in person.
- C. **Audio-video communication technology** is conducted using the Zoom platform. Zoom is accessible via the Court's Zoom meeting number is **394 754 0782**, Password: **697044**.

The following shall be strictly adhered to during authorized appearances made over Zoom:

- a. Hearings conducted on Zoom are official court proceedings, and proper courtroom decorum must be followed, including appropriate attire.
- b. Unauthorized recording of Zoom proceedings is not permitted.
- c. If a court reporter is present, they must meet the requirements of the Seventh Judicial Circuit Administrative Order 2023-041.
- d. Participants shall not move their device around during the Zoom proceedings.
- e. Participants shall limit distractions during the hearing. Find a quiet place to participate in the hearing.
- f. Participants should make sure that others using their Wi-Fi network minimize their usage in order to have the best possible connection.
- g. All participants shall assure, they are properly identified by name and hearing time. Zoom identifiers such as "iPhone" are insufficient.

- h. Participants who interrupt the proceedings, or create a distraction, will be disconnected.
- D. **All notices of hearings** must identify the platform, including all information, for the hearing that will take place. (Zoom, hearing room, and/or courtroom) A courtesy copy of the notice of hearing should be e-mailed to **csutton@circuit7.org**.
- E. No hearing shall be scheduled for 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 the hearing time.
- F. 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, unless directed by the Court.
- G. If parties desire to submit legal memoranda or case law on issues to be presented at a hearing they need to be filed, and any chambers copy received by the Judge, no later than three (3) business days before the hearing. Untimely submissions will not be considered.
- H. **If a hearing is cancelled**, a Notice of Cancellation must be filed, and the judicial assistant must be immediately notified of the cancellation so the time may be made available for litigants in other cases. Only the party that scheduled a hearing may cancel said hearing.
- I. **Emergency hearings** must be requested in writing, setting forth in the introductory or first paragraph the reasons why the matter is considered an “emergency.” Generally, emergencies exist where persons or property face the threat of imminent harm without court intervention. A courtesy copy of the petition/motion shall be e-mailed to **csutton@circuit7.org** with “Emergency” in the subject line.
- J. **Failure to comply** with the hearing requirements herein may result in the striking of a hearing from the Court’s schedule.

**Submission of Proposed Orders:**

- A) All proposed orders must be sent into the Court electronically by email at **division10@circuit7.org**. The subject line of the email must state “Proposed Order,” and include the case style and case number. The proposed order must be an attachment to the email in Microsoft Word format. Proposed orders **shall not** be filed through the e-portal for **Division 10, Volusia County**. Make sure to utilize the **Volusia County case number format**.  
(example: 2024 11111 PRDL)

B) **Orders on Unopposed Matters:** Orders on consented to matters which do not need a hearing may be forwarded to the Judge. The motion and order must specify that the relief sought has been agreed to by all parties. The order must be submitted electronically utilizing the procedures set forth above.

C) **Motions to Withdraw by Counsel:** Counsel may seek withdrawal from representation upon filing of an appropriate motion. Notice must be provided to all parties and their clients. The motion must set forth the reasons for withdrawal and the client's last known address. If the client does not consent to the withdrawal in writing, a hearing will need to be scheduled.

D) **Motions to Substitute Counsel:** Motions to substitute counsel must comply with Fla. R. Gen. Prac. & Jud. Adm. 2.505 and contain the client's written consent or a hearing will be needed.

E) **Proposed orders following an Evidentiary hearing:** Where the Judge announced a ruling, took the matter/s under advisement or reserved on the ruling and directed a party to submit a proposed order reflecting that ruling, the proposed order must be presented to opposing counsel prior to submission to the Court. The email to the Court in **"Word Format"** (at **csutton@circuit7.org**) with the attached proposed order must indicate whether the proposed order had been shown to opposing counsel for review and whether opposing counsel agrees to its content. **The subject line must include the case number and date of hearing.**

F) **Executed order addresses:** served upon counsel of record in the case at their designated email addresses; thus, it is imperative all counsel keep their email addresses up to date. Unrepresented parties who have designated an email address will receive the executed orders at their email address. Unrepresented parties who have not designated an email address will receive orders through the mail.

**DONE AND ORDERED** in Chambers, DeLand, Volusia County, Florida.

  
LINDA L. GAUSTAD 8/6/24  
CIRCUIT JUDGE