

ADMINISTRATIVE ORDER
NO. 2020-07-02

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

AMENDED EMERGENCY TEMPORARY STANDING ADMINISTRATIVE ORDER
RE: PARENTING IN DOMESTIC RELATIONS CASES,
ORANGE & OSCEOLA COUNTIES

WHEREAS, the World Health Organization has declared the Coronavirus Disease 2019 (COVID-19) a pandemic, the Governor of Florida has declared a state of emergency exists, and the Surgeon General and State Health Officer have declared a public health emergency exists, and the Florida State Courts must take steps to mitigate the effects of the COVID-19 on legal proceedings and participants in those legal proceedings; and

WHEREAS, since March 17, 2020, the Florida Supreme Court has issued various Emergency Administrative Orders, which may be found at <https://www.floridasupremecourt.org/Emergency>, which include ordering the cancellation or postponement of all non-essential in-person hearings; and

WHEREAS, the Governor of Florida has announced that all schools will be closed to students until at least April 15, 2020, and that distance learning will begin on Monday, March 30, 2020, for all students; and

WHEREAS, to reduce the number of “emergency” filings and hearings until non-essential in-person hearings resume; and

WHEREAS, it is in the best interests of the parties and child(ren) that parents may continue to perform their duties and responsibilities of co-parenting, share the additional responsibilities of parenting through this time, and that the parties comply with all orders and Court rules; and

WHEREAS, the Judges assigned to the Domestic Relations Division have developed the following mandates to be used on all family cases in an effort to achieve the above stated goals;

NOW THEREFORE, I, Donald A. Myers, Jr., in order to facilitate the efficient administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order the following, **effective immediately**, and to continue until further order:

1. APPLICATION AND TERM OF THIS ORDER.

- a. This Order is intended for all family law matters regarding parental responsibility and time-sharing, to be utilized and complied with immediately in all existing and newly filed Domestic Relations cases in Orange and Osceola Counties. However, This Order shall not supersede or modify any existing domestic violence injunction, criminal “no contact order” or dependency order which is in conflict with these provisions.
- b. This Order shall remain in full force and effect until further order of the Court, such as the resumption of non-essential in-person hearings, or a subsequent temporary order, whichever shall occur first. This Order does not preclude a Judge from modifying or amending this Order in individual cases where the Judge deems necessary. Any part of this Order not changed by a subsequent order shall remain in effect.

2. CONTACT WITH BOTH PARENTS; SHARED PARENTING.

- a. Pursuant to all current Final Judgments, Temporary Orders, Settlement Agreements, or other orders of the court awarding parental responsibility or time-sharing, continued adherence to all Orders by all parties is expected.
- b. Unless otherwise prohibited by an existing court order, each parent is prohibited from unreasonably restricting access of the child(ren) to the other parent.
- c. Regular time-sharing as set forth in the Parenting Plan shall continue until the date the School District, or Official governing the child(ren)’s school as designated in the parties’ Parenting Plan, announces the last day of school at which time summer time-sharing shall begin. If a child’s school has ended classes for the 2019-2020 school year, the summer timesharing incorporated into any current Final Judgment or current Order shall begin immediately.
- d. Exchanges that were to take place at a child(ren)’s school or daycare that is not currently open should be arranged between the parents in writing by email, text, or parenting app. In the event the parents cannot agree on an alternate arrangement, the exchanges shall take place at the police station or sheriff’s office that is located closest to the school or daycare. The closest police station or sheriff’s station shall be determined by the distance shown on Google Maps, Apple Maps, or some other similar mapping program or website. Motions filed related to this subject will likely be ruled upon without hearing.
- e. In the event that the Governor of Florida and/or any other government official issues an order that requires parties or a party to restrict movements as a mass or partial quarantine or suppression strategy to mitigate or slow the spread of COVID-19 (often referred to as “shelter in place” or “stay at home” orders), and including, but not limited to, individual orders to self-quarantine (hereinafter collectively referred to as “any governmental order”) the parties are to discuss their family’s best methods to meet the requirements of the child(ren)’s school, remain with siblings if possible, and be safe. If regular time sharing and exchanges can occur and be consistent with any governmental

orders, then regular time sharing shall continue as Ordered by the Court and, if necessary, as further described above. If there is any governmental order issued that does not allow a parent or parents to move about the community freely, the parent with the majority of timesharing (183 overnights) shall keep the child(ren) until that governmental order is lifted, or a Court Order is entered. The Court will have jurisdiction to consider all appropriate remedial measures, including make-up timesharing, once the Court's Emergency Orders and Procedures are lifted and the Courts return to normal operations. The Parties should assume that any parent losing time because of measures taken for COVID-19 will receive make up timesharing, and that the Courts will sanction behavior that it deems unreasonable. Upon the lifting of any governmental order, the parties are to resume their regularly scheduled timesharing. This shall continue until the parties are able to secure hearing time with the Court, but does not bar any party from filing a Motion with the Court in the interim. The parties are encouraged strongly to work cooperatively with each other, and if appropriate, voluntarily agree to a make-up timesharing schedule as a result of any timesharing lost due to COVID-19.

- f. Video-conferencing and phone contact shall be honored as set forth in the parties' Parenting Plan and should be increased to "regular and consistent contact" to alleviate fears and concerns the child(ren) may be experiencing during this time. Unless previously ordered, video and phone contact should not be monitored or interrupted by the co-parent or any other third party, unless there are specific Court Orders in place as to those issues

3. EMERGENCY MOTIONS AND EXPEDITED HEARINGS.

- a. Parents are strongly cautioned that unreasonable, hurtful, or destructive behavior may be severely and harshly sanctioned by the court, and the non-offending parent may be awarded significant make up time, including summer and consecutive major holidays, and the Court may award attorney's fees and costs to be paid to a prevailing party. Such actions may also impact the Court's long term decision for timesharing pursuant to the Chapter 61 factors to determine a Parenting Plan in the best interest of the child(ren).
- b. Any party may file a motion to address adherence to Orders of the Court. Motions filed as "emergency" motions must be served on the other parent pursuant to the rules of procedure. The Court may require a written response from the other party prior to a hearing be set, and the motion may be ruled upon without any hearing.
- c. The Court may set a hearing at which the parties will be required to appear remotely and with a notary public or other person authorized to administer oaths available for the party's identification and solemnization. In accord with Florida Supreme Court Order AOSC 20-16, notaries are still required; however, the notary may use audio or visual equipment to verify the identity of a witness. A parent participating in such a hearing shall do so outside the presence and awareness of the child(ren).

4. COMMUNICATION.

- a. The Court expects all parties and attorneys to cooperate in the scheduling of telephonic or electronic hearings, and, when possible also depositions, mediations and other out-of-court interactions. The parties and attorneys shall comply with existing procedures regarding cancellation of existing appointments. Wherever possible, parties and attorneys shall make good faith efforts to cooperate in converting existing appointments to virtual or telephonic venues.
- b. The Court has a meet-and-confer rule that requires parties to discuss any motion before a party sets the motion for a hearing to see if the parties can reach an agreement. This meet-and-confer requirement can be fulfilled by personal telephone call, or the exchange of emails or texts. All Notices for Telephonic or Electronic Hearing must still contain a meet-and-confer certification in the form required by Administrative Order No. 2014-19 (as may be amended).
- c. Except as modified by this Emergency Order, the parties and their attorneys shall comply with Ninth Judicial Circuit Court Administrative Order No. 2014-19 (as may be amended), Establishing Domestic Court Guidelines and Administrative Order No. 2003-07-02 (as may be amended), Establishing the Ninth Judicial Circuit Courtroom Decorum Policy. Additionally, parties and attorneys shall comply with the Uniform Policies and Procedures for the Domestic Division of the Circuit Court, Orange County. These Administrative Orders can be found on the Court's website at <https://www.ninthcircuit.org/resources/admin-orders>.

5. SELF-REPRESENTED PARTIES.

- a. Self-represented parties may obtain forms that have been approved by the Florida Supreme Court by accessing <https://help.flcourts.org>. Once at that website, click on the icon for "Find Forms," and then click on the icon for "Family Forms." The forms are available without charge.
- b. The self-represented party will be governed by the same rules of law, procedure, and evidence that lawyers are required to follow.
- c. A self-represented party must file his or her pleadings with the Clerk of Court either in person or through the Florida Courts E-Filing Portal and send copies simultaneously to other lawyers or self-represented parties. Self-represented litigants would, after the emergency has lifted, then be able to continue to use the e-portal for all pleadings filed in their case. To register for the Florida Courts E-Filing Portal go to <https://www.myflcourtaccess.com>.
- d. Self-represented parties must immediately notify the Clerk of Court and all other lawyers or parties in writing of any change in mailing address, telephone number, or email address. Failure to promptly notify of a change of address could result in a dismissal or default entered against the party;

- e. The Court expects all self-represented parties to act with dignity and courtesy in court hearings and to refrain from name calling or other disrespectful language in communications with the other parent, or in-court hearings or in court pleadings.
- g. The Court takes judicial notice of the CDC recommendations and all Administrative Orders issued by the Supreme Court of Florida and expects parties to adhere to these Orders and follow CDC recommendations.

6. PROCEEDINGS.

Amended Administrative Order 2020-06-01 - Temporary Order Governing Essential and Critical Trial Court Proceedings applies to Domestic Relations cases. Per that order, effective March 16, 2020 (as pertinent to the domestic relations divisions):

- a. The Ninth Judicial Circuit and County Courts shall continue to perform essential court proceedings, including but not limited to dependency shelter hearings, hearings on petitions for temporary injunctions relating to safety of an individual, hearings on petitions of risk protection orders, and hearings on petitions for the appointment of an emergency temporary guardian.
- b. Pursuant to section 43.26(2)(d) of the Florida Statutes, officers of the court must attend court proceedings as directed by the Chief Judge or Presiding Judge (or Magistrate). In conducting proceedings, the Ninth Judicial Circuit Court shall employ all methods practicable to minimize risk of COVID-19 exposure to individuals involved in the proceedings or the general public.
- c. At this time, public access to court facilities is hereby limited to counsel for parties and court participants (e.g. clerks, deputies, etc.). No parties, witnesses, spectators or family members may attend proceedings until emergency conditions pass, except as may be permitted by the Presiding Judge (or Magistrate) or the Chief Judge. Media may access court facilities, when necessary, consistent with existing administrative orders.
- d. Any person, regardless of status, who is exhibiting symptoms consistent with COVID-19, or any person who has knowingly been in contact with another person who is suffering from the effects of the COVID-19 virus, is prohibited from entering any court facility. Sheriff's deputies in each courthouse facility are hereby granted the authority to screen and eject persons from courtrooms, courthouses, or court facilities in accordance with this Administrative Order.
- e. In the event of any essential and critical in-person proceedings, the Presiding Judge (or Magistrate) shall take necessary steps to ensure social distancing in order to minimize potential exposure to COVID-19. The Presiding Judge (or Magistrate) must ensure that all participants in the proceeding maintain at least a 6-foot "social distance" from each other at all times.
- f. All essential proceedings are being conducted as set forth above. As determined by the Chief Judge, all other proceedings and events may be conducted if the Presiding Judge (or Magistrate) can do so using technological resources such as video or telephone conferencing. Information concerning these other proceedings, including instructions on participating in such proceedings,

can be found above, or on the individual Judges division pages on the Circuit's website at www.ninthcircuit.org.

- g. This Administrative Order shall be subject to modification, addition, and extension as the evolving and fluid nature of the facts and circumstance may require.
- h. Administrative Order 2020-07-02 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 27th day of March, 2020.



Donald A. Myers, Jr.
Chief Judge

Copies provided to:
Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>