



State of Florida
Ninth Judicial Circuit of Florida

HEATHER L.
HIGBEE
CIRCUIT JUDGE

COUNTIES OF ORANGE AND OSCEOLA
ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVENUE, SUITE 2015
ORLANDO, FLORIDA 32801
WWW.NINTHCIRCUIT.ORG

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DOMESTIC DIVISION 38 PROCEDURES

Courtroom: All hearings are being held virtually at this time. When Virtual hearings are no longer mandated, Court will resume in 16F unless coordinated elsewhere in advance. Please check your notice for information.

Setting Hearings Please refer to the JACS page on the Court's website, www.ninthcircuit.org for available dates and times and identify a mutually agreeable hearing time **PRIOR** to contacting the Judicial Assistant. Please do not send a Notice of Hearing until you have confirmed the time with the Judicial Assistant. All hearing times must be coordinated with opposing attorneys and self-represented litigants. The Judicial Assistant will confirm your hearing and provide you with a confirmation number. Your hearing is not confirmed unless the Judicial Assistant has provided you with this number. Hearings with Notices that do not contain a confirmation number will not be heard.

Notice of Hearing: NOH should include the full name of the motion, the telephone or virtual link, the duration of the hearing and its filing date. It also must include the Mandatory Meet and Confer Compliance.

**Virtual Trials
Virtual Hearings**

Division 38 is currently conducting all evidentiary hearings and trials through virtual technology as a result of the COVID 19 pandemic. Virtual hearings may be conducted by using ZOOM or TEAMS, and upon returning to the Courtrooms, the Court may also utilize WEBEX by CISCO systems. We are offering these choices so that you can chose the platform you feel most comfortable with. If you are preparing a notice for a virtual hearing by ZOOM, as your location for the hearing, please insert the Court's dedicated link at:

<https://zoom.us/my/judgeheatherhigbee> Meeting ID: 516 282 7605

If you are using a different technology, please contact the Judicial Assistant for instructions.

The dedicated link listed above leads to a “waiting room” where you are to remain until the Court “lets you in” to the hearing. Any public hearings that would normally be conducted in the Courtroom are still public hearings when conducted virtually. If you would like to attend a virtual hearing use the link above or contact the judicial assistant if this link does not appear in the notice.

If you intend to present evidence at your virtual hearing or trial, *all items you wish to admit into evidence and an evidence control sheet, must be provided to the Court and to opposing counsel/party at least thirty six (36) hours prior to the hearing.* Evidence that is too voluminous to be emailed must be hand delivered or mailed to the Court and opposing counsel/party and delivered at least **thirty six (36) hours** prior to the hearing.

See our “**Best Practices**” posting for more information regarding virtual hearings, witnesses and evidence.

Telephonic Hearings:

The Court is also using telephone technology to conduct shorter, non-evidentiary hearings. **The Court’s dedicated conference line is (407) 836-5646 access code 248848.** Include this number and access code on any telephonic notices you prepare. This access code is only for Division 38, each division has their own access code.

Ex Parte & Short Matters:

Tuesday thru Thursday from 9:00 a.m. to 9:30 a.m. An updated list of dates that the Judge will be unavailable for Ex Parte & Short Matters is located on the JACS webpage at www.ninthcircuit.org under Division 38. Please visit this site to confirm that the Judge will be available on the date that the hearing is being scheduled.

Ex parte is for entry of orders for stipulated or unopposed matters only. Short Matters time is for short legal argument of five minutes or less with no testimony or evidence presented. Motions to Compel, Motions to Dispense with Mediation, Motions to Withdraw & Motions for Substitution of Counsel are examples of short matters.

The Judge will be on line and reachable through the dedicated Zoom link listed above during her short matters time. If you have an ex-parte or short matter simply coordinate and notice your hearing with the other side (if appropriate), include the link in your notice, and log in at your chosen date and time. These hearings do NOT need to be scheduled with the Judicial Assistant.

Attorney Uncontested Dissolutions

Attorney Represented Uncontested Dissolution of Marriage cases may be resolved by submitting an Uncontested Dissolution of Marriage packet to the Court via email. If you are unable to complete the Uncontested Package, contact the Judicial Assistant to schedule your virtual final hearing.

**Uncontested Paternity
And Supplemental
Final Judgments:**

Uncontested Paternity Final Judgments and Supplemental Final Judgments, upon agreement, may be e-mailed or mailed to the Judge for execution without a hearing if all required documents have been filed and both sides agree. If one side is self-represented and not on the e-filing portal, then please set up a virtual hearing with notice to both sides and the Court will address this matter.

Judgments

Please either mail in with a cover letter, one original, and sufficient copies and envelopes for the Court to mail if all parties are not in the e-portal. If all parties are part of the e-portal notice system, then Judgments may be emailed to the Court and envelopes and copies are not necessary.

Adoptions:

Hearings on Adoptions must be specially set with the Court and a courtesy copy of the pleadings sent to chambers when the Hearing is scheduled. All available hearing time is located on the JACS webpage at www.ninthcircuit.org under Division 38. These hearings are currently being handled virtually, schedule them as you would any other virtual hearing..

Name Changes:

Attorney represented Name Change hearings are held at Exparte/Short matters Monday-Thursday at 9:00 a.m. Please refer to the JACS page on the Court's website, www.ninthcircuit.org for available dates and times.

Self-represented parties' name changes will be scheduled through Family Court Services. Please contact them for information if you represent yourself.

Cancellations:

Please notify the Court promptly of any cancellations so that the hearing time can be offered to other parties. A Notice of Cancellation shall be sent to the JA by the noticing attorney at the time the Notice of Cancellation is filed with the Clerk.

Emergencies:

Verified Emergency Motions may be hand delivered, mailed or e-mailed for the Court's review. The Court will not consider emergency motions at Ex Parte or Short Matters.

In the event Judge Higbee is unavailable to review an emergency motion you may contact her alternate, Judge John Beamer to see if he is available to review the matter.

General Magistrate:

If you wish to have your case heard by the General Magistrate, file a Motion for Referral to the General Magistrate and provide the Court a copy including the motion/issues you wish to have referred to the General Magistrate. The Court will issue an Order of Referral to the General Magistrate. Matters in which an objection to the General Magistrate have previously been made, or matters which already have other motions before the Court are not appropriate for referral.

Temporary Hearings: Prior to scheduling any non-emergency temporary hearings, the **PARTIES MUST ATTEND MEDIATION** in accordance with local amended Administrative Order 2004-14-02. Please also note that only one temporary

hearing will be set. If a further hearing is needed, counsel should see the Div. 38 Judge during ex parte before scheduling additional time or notice it for trial. Mediation sessions conducted virtually fulfill the Court's requirement. Motions to dispense with mediation may be taken up at Short Matters.

Scheduling

Conference/Trials: After a Notice for Trial and Form 51 are received by the Court (with self-addressed, stamped envelopes unless all parties are on e-filing) an Order Setting Non-Jury Trial and Pre-Trial Conference will be mailed/e-filed to counsel of record/pro se litigants or the case may be referred to the General Magistrate for Trial. Attorney/pro se litigants are required to file a Pre-Trial Memorandum as directed by said order. Trials are generally held on Tuesdays, Wednesdays and Fridays. **Please review the Pre-Trial Order as it is very detailed.** IF YOU DO NOT COMPLY WITH THE PRE-TRIAL ORDER the Court may remove your trial from the docket without further notice.

Motions for Rehearing: A chamber copy of any Motions for Rehearing must be mailed or hand delivered to the Court for review. After review the Court will either enter a ruling without review or will set a hearing on the Motion. If a motion is simply filed in the Court file, the Court does not receive a copy and will not be able to timely address your issue.

Orders: Provide proposed orders to scheduled hearings with sufficient copies for disbursement. (Or email in advance of the hearing if the hearing is conducted virtually) If the Court requests counsel to prepare an Order/FJ from the hearing/trial, counsel shall prepare and submit the order to the Court **within 10 days**. Counsel should submit the order to opposing counsel/pro se litigant for approval before submitting it to the Court with a cover letter (or email) stating that the Order is agreed upon. If the parties cannot agree on the form of the order, and BOTH parties are represented, the attorneys shall e-mail ONE order with their differences redlined. If one or both parties are unrepresented, then each side shall e-mail their proposed Orders for the Court to review. The Court will render one Order after review. Orders may be e-mailed to the Court for the Court to execute and e-file so long as all parties are in the e-portal. Envelopes and a cover letter are **ONLY** required when a party is not in the e-portal.

Website: Visit the Court's website at www.ninthcircuit.org for general information and updates including scheduling, Court Services and Florida Supreme Court approved Family Law Forms.

PLEASE NOTE: These procedures apply to Judge Higbee only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in the division for instructions. Please also refer to our Best Practices listing which also appears on Judge Higbee's website.