

TEMPORARY DIVISIONS 41 ORANGE AND 43 OSCEOLA PROCEDURES for DOMESTIC RELATIONS CASES

GENERAL

Pursuant to Administrative Order Nos. AOSC20-13 and AOSC2020-015 and Ninth Judicial Circuit AO2020-06, requiring that no proceedings or other court events other than essential proceedings be conducted through in-person hearings, the following procedures are in effect beginning Monday March 23, 2020 and will remain in place until at least April 17, 2020 or until further court order.

At this time, there will be no in person hearings without exception. Furthermore, until further notice, the Division will not conduct any evidentiary hearings, except as set forth herein.

SETTING HEARINGS GENERALLY

Parties may coordinate motions to be heard and the hearing times for those motions as set forth below. However, before noticing any hearing, the parties **MUST** get written confirmation from the Judicial Assistant. Furthermore, the Court may set hearings on its own initiative at any time.

If you have received a *Notice of Cancellation* or rescheduling, and continuing during the period of the COVID-19 crisis, and both sides wish that hearing to continue as previously scheduled by telephone conference or video conferencing, please send an email request to Diana Rico at 41orange@ninthcircuit.org for Orange County cases and 43Osceola@ninthcircuit.org for Osceola County cases to remain on the docket. So long as both sides can be reached and the hearing can be effectively conducted remotely, the hearing will remain on the docket.

Please follow these guidelines depending upon the nature of your hearing:

SHORT MATTERS

At this point in time, all hearings must be noticed docketed, including short matters. All notices for hearing must still be confirmed by the Judicial Assistant, and the process to secure hearing time on JACS remains the same. A meet and confer requirement is still required prior to requesting your hearing.

NON-EVIDENTIARY HEARINGS

Parties for non-evidentiary hearings are expected to be prepared to go forward with their hearings unless they have received an Order from the Court, or written confirmation for the Judicial Assistant, that the hearing is cancelled. **NO MOTION TO APPEAR TELEPHONICALLY IS NECESSARY.** The procedure for these hearings is as follows:

Telephone Conference: For noticing and utilizing telephone conferencing communication each participant (up to 20) will call **407-836-5646** or toll free **1-800-346-8020** and will be prompted to

enter a “*participant code*”. Each Judge has a specific code—make sure you are using the correct code for the correct division. The code for Division 41 and Osceola 43 is **868671**. A sample *Notice* is attached depicting the number and code. These must appear on the face of the *Notice* so that all parties are clearly instructed on how to participate.

Do not call prior to your appointed time. The “conference space” created is not private, thus if a hearing is held past the appointed time or the next caller is early, they will enter the same space as the prior hearing. Just like if you enter a courtroom prior to your hearing and another matter is being presented, please remain quiet until it is your turn to proceed.

NOTE: ATTORNEYS, PARTIES, AND COURT REPORTERS SHOULD ALL BE IN DIFFERENT ROOMS DURING TELEPHONIC HEARINGS IN ORDER TO FACILITATE COMPLIANCE WITH SUPREME COURT ORDERS, NINTH CIRCUIT ORDERS, AND CDC GUIDELINES.

MOTIONS THAT CALL FOR EVIDENTIARY HEARINGS

The Court realizes some matters are of great importance to the parties who would like the Court to rule on these matters. The Court will consider evidentiary issues for the time being in the following ways:

- A. Hearing Waivers: If attorneys and/or the parties are BOTH willing to (in writing) waive a hearing and simply provide all materials they wish the Court to consider (to include memorandums of law, transcripts from depositions, agreed upon exhibits etc.). The items to be considered should be emailed to 41orange@ninthcircuit.org for Orange County cases and 43Osceola@ninthcircuit.org for Osceola County cases with the other side copied on the email.
- B. Proffers: If attorneys and parties are willing to (in writing) waive live testimony and simply proffer evidence and testimony, the Court will specially set this hearing telephonically or through video conference. **PARTIES DO NOT NEED TO ATTEND.**
- C. Uncontested Final Hearings: The Court will entertain uncontested final hearings consistent with the new instructions for “Final Judgments of Dissolution of Marriage via Electronic Submission” and “Email Final Judgment Packet” which become effective on March 23, 2020.

EMERGENCIES

The Court will continue to review Emergency Motions as received and may rule in Chambers based on the pleadings on a temporary or interim basis. Should the Court require more information, the Judicial Assistant will contact the parties with further instructions.

OUT OF COURT PERFORMANCE OF COURT ORDERS AND PROCEDURES

Parties and attorneys are expected to comply with the Supreme Court of Florida's and the Ninth Circuit's Administrative Orders. As such, to the extent possible, all events that would require in person contact may proceed electronically. This is to include mediations, depositions, and meetings of attorneys.

VIDEO CONFERENCING

In certain instances, the Judge would prefer or require video conferencing rather than telephonic appearances. In those cases, the parties will be contacted by the Judicial Assistant with instructions on how to appear by video.

CASE MANAGEMENT CONFERENCES

In many instances, the Court, on its own initiative will proceed with a Case Management Conference ("CMC") in lieu of a cancelled hearing during the already reserved time period. The Court will alert the parties if it wishes to proceed with a CMC. Please note that CMCs are NOT evidentiary hearings and there will be no testimony taken.

Even if the Court does not, on its own initiative, elect to conduct a CMC, upon cancellation of any hearing by the Court, the parties may alert the Court they wish to proceed with a CMC during the previously scheduled time. Once the Court confirms, a CMC will occur during that designated time.

PRE-TRIAL HEARINGS

At this point in time, all pre-trial hearings will proceed either by telephonic or video appearance. Compliance with the meeting of attorneys/parties can be accomplished by electronic means, including exhibits exchanged via email or via a cloud-based file exchange program. Should the parties wish to cancel or continue their pre-trial, they must contact the JA immediately.

DOMESTIC VIOLENCE INJUNCTIONS

The procedures above do not control domestic violence injunctions and separate instructions will be provided to the parties on those matters.