

COVID 19 - Temporary Supplemental Procedures for Orange County
Domestic Relations Division 46

Pursuant to Administrative Order Nos. AOSC20-13 and AOSC2020-015 and AOSC2020-017 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.

All proceedings in Division 46, unless specifically determined to be essential by the Judge, will be done by telephone conference only. With the exception of injunction return hearings, no parties/attorneys/court reporters will be allowed to attend in person at the Orange County Courthouse.

All hearings previously set for the month of March have been cancelled unless a telephonic hearing has already been specifically noticed. If you had a hearing scheduled between March 17, 2020 and April 17, 2020 that has been cancelled, you may reschedule your hearing pursuant to the directives contained herein.

PROCEDURE FOR SCHEDULING HEARINGS DURING THE PANDEMIC

In scheduling hearings until the COVID 19 pandemic passes and the Ninth Circuit resumes its normal schedule, please follow these procedures depending upon the nature of your hearing:

Before scheduling a hearing, please note that the “meet and confer” requirement still stands, though it has been modified during the COVID 19 pandemic. Please see section 4b in the Amended Admin Order at the link below:

<https://www.ninthcircuit.org/sites/default/files/2020-07-01%20-%20Amended%20Emergency%20Temporary%20Standing%20Order%20Re%20Parenting%20in%20Domestic%20Relations%20Cases%2C%20Orange%20%26%20Osceola%20Counties%20%282%29.pdf>

NON-EVIDENTIARY HEARINGS

Ex parte/Short Matters are discontinued until the courthouse resumes normal operation. Any short matter may be set as a regular hearing as long as it can be done meeting the telephonic criteria. Please see: Instructions and Procedure for Telephone Conference Hearings Domestic Relations Orange County 3/18/2020, also found on Judge Blackwell’s page:

<https://www.ninthcircuit.org/sites/default/files/COVID-19-Procedures-Telephonic-Conferences.pdf>

If a hearing is appropriate pursuant to the telephonic guidelines and the meet and confer requirement has been met, please review the available hearing time on Div. 46 JACS and

coordinate a hearing with the other party/counsel. Once you have agreed on a hearing time, please email the JA at 46orange@ninthcircuit.org and give the following:

Date & Time being requested

Length of hearing – (All hearing time on JACS is in 15 minute increments. If you need more than 15 minutes you will need to find consecutive 15 minute time slots totalling the amount of time you need.)

Case number

Petitioner or Respondent’s motion

Type of Motion

Your name and who you represent

Name of opposing counsel or if the party is pro se

Please copy the other party/counsel on the request for hearing time. Once the hearing is confirmed, the JA will reply to all with a confirmation number. Your hearing is NOT confirmed until you receive this number. Please do not file a Notice of Hearing before you receive your confirmation number, as it must be included on the Notice of Hearing. Please use the format in the link below (including the names and addresses for the parties/counsel) for your Notice of Hearing since it will be telephonic and everyone will need to have the correct call in information:

<https://www.ninthcircuit.org/sites/default/files/COVID-19-Procedures-Telephonic-Conferences.pdf>

The court does not need a courtesy copy of your notice. Please file it within 48 hours of setting the hearing.

DURING THE TIME PERIOD OF THE COVID 19 PANDEMIC, 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 46 is **852867**. 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 about how to participate.

Do not call before 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 discussed, please remain quiet until it is your turn to proceed.

NOTE: Attorneys and parties should all be in different rooms during telephonic hearings in order to facilitate compliance with Supreme Court orders, Ninth Circuit Orders, and CDC guidelines.

MATTERS REQUIRING 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 memoranda of law, transcripts from depositions, agreed-upon exhibits, etc.). The materials to be considered should be emailed to 46orange@ninthcircuit.org with the other side copied with the email and all materials.
- B. Proffers: If attorneys and parties are willing (in writing) to waive live testimony and simply proffer evidence and testimony, the Court will specially set this hearing telephonically. 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 - Please see Administrative Order No 2020-07-01: Amended Emergency Temporary Standing Administrative Order RE: Parenting in Domestic Relations Cases, Orange & Osceola Counties:

<https://www.ninthcircuit.org/sites/default/files/2020-07-01%20-%20Amended%20Emergency%20Temporary%20Standing%20Order%20Re%20Parenting%20in%20Domestic%20Relations%20Cases%2C%20Orange%20%26%20Osceola%20Counties%20%28%29.pdf>

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, or believe that the issue is of such an essential nature that it warrants putting court staff and the general public’s health at risk, the Judicial Assistant will contact the parties with further instructions.

OUT OF COURT COMPLIANCE WITH COURT ORDERS/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 includes mediations, depositions, and meetings of attorneys.

PROCEDURES FOR ORDERS SUBMITTED TO CHAMBERS – DIVISION 46

Please see Procedures for Orders Submitted to Chambers – Division 46 on Judge Blackwell's page.

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA**

CASE NO.: DR

Petitioner,

vs.

Respondent.
_____ /

NOTICE OF TELEPHONIC HEARING

YOU ARE HEREBY NOTIFIED that the undersigned will call up for hearing before the Honorable Alice L. Blackwell, on the _____ day of _____, 2020 at _____ .M. (EST), or as soon thereafter as the same can be heard, the following:

MOTION: _____ **DATE FILED:** _____

Parties **MUST** appear telephonically. Parties are instructed to call 407-836-5646 (If long distance 1-800-346-8020 and dial (participant code) 852867 on the _____ day of _____, 2020 at _____ .M. (EST) to appear at the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the above named addressee(s) this _____ day of _____, 2020.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Ave., Suite 510, Orlando, FL 32801, (407) 836-2303, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.