



**State of Florida
Ninth Judicial Circuit of Florida**

DIANA M. TENNIS
CIRCUIT JUDGE
Admin Judge for Family
Divisions

COUNTIES OF ORANGE AND OSCEOLA
ORANGE COUNTY COURTHOUSE
SUITE 1130

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**PROCEDURES FOR JUDGE DIANA M. TENNIS
ORANGE COUNTY DOMESTIC DIVISION 38**

IN ORDER TO ASSIST COUNSEL, THE LITIGANTS AND THE COURT, THE FOLLOWING GUIDELINES¹, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE CIRCUIT DOMESTIC DIVISION 38 WHEN PRACTICING BEFORE JUDGE DIANA M. TENNIS.²

GENERAL INFORMATION

Domestic Relations hearings and trials in 2026 will be held primarily in Courtroom 10-C of the Orange County Courthouse. VIRTUAL HEARINGS will be conducted on Tuesday Mornings and Wednesday's using the WebEx link: <https://ninthcircuit.webex.com/meet/38orange>. Other hearings may be held

¹The above standards, procedures, practices and guidelines are minimum standards. Attorneys are presumed to be familiar with and are expected to abide by the *Rules Regulating The Florida Bar*, and the *Guidelines for Professional Conduct* promulgated by the Trial Lawyers Section of The Florida Bar and adopted by the Conference of Circuit Judges. Copies of each of these documents may be obtained from The Florida Bar and/or are available on-line on its website <http://www.floridabar.org>. In addition, counsel must be aware of the *Ninth Judicial Circuit Courtroom Decorum Policy* promulgated on February 11, 2003. (See <http://www.ninthcircuit.org> For Attorneys/Information/Rules & Policies/Courtroom Decorum Policy.) Counsel must also be familiar with relevant Administrative Orders, e.g. *Administrative Order Establishing Ninth Judicial Circuit Court Domestic Guidelines* dated August 5, 2014, etc. all of which may be found at the above Circuit website.

²This Court is held to the additional standards set forth in *Code of Judicial Conduct* and the *Principles of Professionalism for Judges*. She acknowledges that in the face of the daily grind of this division, those expectation are, at times, sorely tested.

virtually or hybrid (some persons appearing virtually) as authorized by the Court. Please ensure that all notices have the correct location for the hearing being scheduled. Agreement to have virtual hearings other than Tuesday and Wednesday may be emailed to the division email. Opposed Motions for virtual or hybrid hearings, or Motions for in person hearings on Tuesdays, should be made at the time the hearing time is selected and sent to 38Orange@ninthcircuit.org. The Motion should state the good cause basis, include all attorneys/pro se litigants and include the opposing party's position on the request.

Contact Information: The e-mail address to be used for all matters is 38Orange@Ninthcircuit.org DO NOT SEND ANYTHING TO THE JA EMAIL³ that is not specifically requested. All communications appropriately sent will be handled and, if appropriate, responded to within 24 hours.

Self-Represented Litigants: Please review Administrative Order 2017-08-01, which establishes procedures for self-represented litigants in the Domestic Relations Division. The Judge and the JA cannot provide legal advice to you regarding your case. If you need additional assistance and cannot afford to hire an attorney, please contact the Orange County Bar Association, Community Legal Services, Family Court Case Management, the Self Help Center, or Legal Aid. The Family Court Case Management Office has an online form for self-represented litigants to request assistance.

Ex Parte Communications: All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law. Improper ex parte or unsolicited third-party communications will not be considered or responded to.

E-Filing Portal Contact Information: All attorneys and self-represented litigants must make and receive service by e-mail, which is generally through the Florida Courts E-Filing Portal, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516.

All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.

³ And while on this topic, please explain to all staff members that rudeness will not be tolerated. Assume the judge reads every email, in other words. If you are a pro se litigant, zero requests for relief may be requested through email, a motion must be filed. Also, all emails must include the opposing lawyer and if none, the opposing party.

Public Record: Any e-mail sent to or from the judicial office may be a public record subject to disclosure.

DOMESTIC/FAMILY COURT PROCEDURES

Mediation Requirement: Pursuant to Administrative Order 2004-14-02, parties must attend mediation before seeking temporary relief or setting a case for a Non-Jury Trial. More information on this process is below. After attending mediation, parties may seek temporary relief or file a Notice of Non-Jury Trial. Motions to Dispense with Mediation can be sought for those parties with a history of domestic violence pursuant to Florida Statute 44.102(2)(c).

Parties should attend Mediation before requesting hearing time for temporary relief in DR cases. To schedule a mediation, file Form 50 with Dispute Resolution. Form 50 may be faxed to 407-836-2367 or emailed to OrangeCountyDRS@ocnjcc.org. If, after Mediation, the parties cannot reach agreement, a hearing on temporary matters may be scheduled with the Court.

Temporary Relief: A hearing on temporary relief prior to mediation may be requested through the division email. A motion that sets out a reason that a hearing should be provided prior to mediation is more likely to be approved.

Hearing Procedure:

Domestic hearing time may be obtained by first checking on the AI Calendar website at <https://aicalendar.ocnjcc.net/Calendar/Orange/1511>. From the home page, click the icon labeled All Hearings or Available Hearings and look for available times which are listed as **Motion Hearings**. Coordinate your hearing time with opposing counsel. Next, please contact 38Orange@Ninthcircuit.org to confirm that time. Hearings must be confirmed by email to appear on the docket. In addition to filing the Notice of Hearing with the Clerk of Court, a copy of the Notice of Hearing and motion(s) must be furnished to the Judicial Assistant via email. Include all pertinent facts in your motion as all requests for hearing time will be reviewed by the Judge, and an order may be entered without hearing. Please note, there is simply not sufficient hearing time available for all requests for hearing time to be honored. If you receive an Order instead of authorization to set a hearing, you may file a timely and informative Motion for Reconsideration. Also, no hearing will be set without the “meet and confer” date being provided. ⁴

⁴ And no, that meet and confer that took place umpteen months ago over the last dispute does not count. Nice try. More harping in the next footnote.

For the convenience of everyone, the following rules apply to the setting and handling of hearings:

Setting of Hearings: Pursuant to Administrative Order, parties are expected to attempt to work out issues prior to setting motions for hearing. A certification that counsel have recently meaningfully conferred and attempted to resolve the issue(s) will be required prior to any hearing being scheduled.⁵ Any violation of this Order may be met with sanctions, including attorney's fees and taxable costs. Hearing times must be cleared with opposing counsel or pro se parties. Good faith cooperation is expected both from counsel, their support staff and pro se litigants. Should counsel, their staff, or pro se litigants fail to respond within 3 business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth to the Judicial Assistant at the time of the hearing request and must be included either in the motion or in the notice of hearing.⁶ After filing any motions or notices with the Clerk, a copy of any and all motions and notices of hearing must be immediately forwarded to the Judicial Assistant via email.

Hearings scheduled on Tuesday Mornings or Wednesdays will generally be via Webex. Virtual, or Hybrid (partially in person) hearings can include telephonic participation and are permitted by agreement, so long as the hearing is thirty (30) minutes or less in length and minimal testimony or evidence is involved. In this situation, no motion or order for virtual appearance is necessary, but "virtual" hearing time selected.⁷ When setting a hearing during an "in person" day, please inform the JA of the request for virtual/hybrid appearance so it may be noted on the docket and the WebEx link and courtroom number included on the notice. If there is no agreement, a motion setting out good cause must be filed timely.

Motions should never be sent to the Court without the filing stamp. All notices of hearing must contain the Americans with Disabilities Act (ADA) notification required by Florida Rule of General Practice and Judicial Administration 2.540.

Please attach an e-filed copy of the relevant Motion to your request. You must copy opposing counsel or self-represented litigant on all correspondence to the division email. If any party or attorney wishes to appear virtually, please refer to the instructions on virtual appearances before scheduling your hearing. Please include the following information in

⁵ *In the immortal words of Archie Bell, you all need to Tighten Up. Far too much judge time is wasted in Court watching lawyers have conversations that should have taken place somewhere else. Like a lawyer's office, for example, or a Starbucks, or literally ANYWHERE ELSE.*

⁶ If you are a pro se litigant and are uncooperative about scheduling hearings, you will find the Court devoid of sympathy when it is scheduled without your input. If you are a lawyer, you may find yourself in hearing over lunch.

⁷ So, hey. We are FIVE years in now, and the virtual world has been a vital part of gettin' it done. The expectation at this point is that you have figured this stuff out. If you cannot get yourself and your client timely to a virtual hearing, showing up with grown up clothing, not in a moving car, and with your audio and video practiced...a small but meaningful note will go in the file. And you won't be receiving a virtual hearing in that case again. Note that attempting to insert virtual hearings in in-person days is never the best, as you will sit in that virtual lobby having no idea how late we are running.

your request:

1. Case Number
2. Both Petitioner's and Respondent's Name and Attorneys' Name(s)
3. Title of Motion and Date Filed
4. Date, Time, and Length of Time Being Requested
5. Whether the Hearing is Evidentiary in Nature (Testimony or Evidence Expected)
6. Certificate of Compliance with "Meet and Confer" and Hearing Coordination Requirements in Administrative Order 2014-19
7. Requests or Agreements to Appear Virtually
8. Whether any Party is in Jail and where

Cross-notices are not permitted without the agreement of the opposing side and approval from the Court.

Emergency Motions: Parties are reminded that difficulties with timesharing or other problems that are not *objectively* imminent and dangerous are NOT emergencies. that it is an Emergency Motion. An Emergency Motion is only appropriate in "an emergency, such as where a child is threatened with harm, or where the opposing party plans to remove the child from the state improperly. Loudermilk v. Loudermilk, 693 So. 2d 666, 668 (Fla. 2d DCA 1997).

Very rarely will the Court take ex parte action, as it does not afford due process to all parties. Non-emergency issues should not be the subject of an emergency motion. If a true emergency arises, counsel may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the relief requested.⁸ The Court will not take ex parte action on a motion that is not verified.

The motion must be verified, filed and emailed to the division email for consideration. The Court will review the motion and, if it is determined an emergency exists, the Court will generate an Order and/or direct counsel to either submit a detailed order or set a hearing. Expedited hearing time may be requested with notice to the opposing counsel or party and is often more appropriate than an emergency motion. The Court often has hearing time quickly available, and lawyers are expected to cooperate in setting hearings quickly when the circumstances call for expediency.

Ex Parte/Short Matters: This will include uncontested matters, (motions to withdraw, uncontested final hearings, name changes, or to have agreed upon Orders entered) and matters involving only legal argument of 5 minutes or less. These hearings are not

⁸ Generally, this is where things go awry. Emergency does not mean any dispute between parents no matter how dramatic. The request is by-its-nature a due process violation and that means should include allegations that include an airport or severe and immediate endangerment. If not, and this is typically the case, try an "expedited" motion instead.

coordinated with the JA. They are held on Tuesdays and Thursdays, virtually via WebEx, at 9:30am. In order to set a hearing, you will need to check the AI CALENDAR to ensure your selected date is available (you will know it's available if the timeslot listed "Ex Parte/Short Matters" is appearing). Once you have confirmed that information, you may send a copy of your efiled NOH to our Division 38 inbox: 38orange@ninthcircuit.org to ensure that we place your hearing on the docket. You will only receive communication from the JA if the hearing DID NOT make the docket for the date noticed.

Please check the division AI Calendar to ascertain ex parte/short matters dates, as they will sometimes not take place. Furnish your motion and notice of hearing upon ascertaining the date is available and prior to the hearing so that the Court can prepare for the hearing.

NOTE: There are many matters that the Court will rule on without a hearing. Minor discovery matters are among those issues. Copies of all hearing notices coordinated for short matters should be provided the Court expeditiously so that an order may be entered if appropriate. Providing proposed Orders in Word is also advised.

Uncontested Dissolution Final Judgments: Attorney Uncontested Dissolution of Marriage may be done by email. File a Motion and Waiver for a Written Final Hearing. The Required Checklist for Entry of Final Judgment without Personal Appearance must be submitted to the division email along with all applicable agreements and the proposed Final Judgment in Word format. Complete the [Required Checklist for Entry of Final Judgment without Personal Appearance](#) the proposed Final Judgment, and all agreements, and email it to the division email. The Parenting Plan and any Marital Settlement Agreement should be incorporated into the Final Judgment and sent to be attached as exhibits in one PDF. Any Final Judgment in a case with children must include full names and dates of birth of the child and all child support details.

Case Management Conference/ Pre-Trial Hearing Procedures/Trial:

Case Management Conference: The Court may set a Case Management Conference at any time and will do so frequently upon the filing of a Notice for Trial. All counsel and parties must be present for any Case Management Conference. The Court may also require pre-hearing memorandums, discovery limitations, or other means to streamline the proceedings. Include in any CMC notice that the hearing is being held pursuant to Florida Family Rule of Procedure 12.200 and be familiar with that rule and all that may be dealt with at the CMC. This includes possible disposition of ANY outstanding motions. A sample of the Court's Order Setting Case Management, tracking 12.200 can be found on the Ninth Circuit Website. You do not need to set a hearing to determine whether a Case Management is scheduled. You may email the division and request a CMC be coordinated with the day and time selected from AI Calendar.

Notice for Trial: Prior to filing a Notice for Trial, the parties shall attend mediation within the last 120 days. If mediation is not appropriate, counsel or pro se litigants shall file a Motion to Dispense with Mediation and set it for hearing at ex parte/short matters. Additionally, if the case is a dissolution of marriage with children or a paternity case, parenting class certificates must be filed with the Clerk's Office pursuant to state law and the circuit's administrative order. Pursuant to Administrative Order 2004-14 entered on June 29, 2004, counsel or pro se litigants shall attach Form 51 to their Notice of Trial. **No Notice of Trial is accepted without Form 51.** Form 51 is available from the Court's website.⁹

The court does not set date-certain trials. Upon the court finding the case fully prepared, the court will assign cases to specific days and may assign back-up cases.

Pre-trial Conference: Counsel and pro se litigants must comply with all aspects of the Uniform Pre-trial Order "UPTO". Non-compliance may result in cancellation of the Pre-trial Conference and/or other sanctions. The UPTO should be reviewed in detail and the dates for completion of various items calendared. The Court will presume that each attorney and each party is familiar with the requirements of that order. Compliance and time limits are not optional, nor extendable by stipulation. **THE COURT EXPECTS STRICT COMPLIANCE WITH THE ORDER ABSENT A TIMELY MOTION AND ORDER OF COURT MODIFYING THE CONDITIONS THEREIN.** See further guidance about UPTO requirements in the "Miscellaneous" section below.

If the case is fully prepared for trial at the Pretrial Conference, the Court will schedule the trial. The Court will select trial dates with the full involvement and agreement of all parties. Do not allow a trial to be scheduled if you have any concerns at all about the date selected. Trials and hearings scheduled by agreement of the parties will very rarely be continued and only upon extraordinary circumstances. Agreement of the parties to continue the action will not suffice. **The attorney trying the case must appear at Pretrial conference.**¹⁰ If counsel or a pro se litigant is unable to attend the Pretrial conference, a motion for continuance must be submitted to the Court and an Order entered by the Court. Per the UPTO and this Court's procedures, all exhibits to be used at trial shall be exchanged prior to Pretrial Conference and pre-marked **prior to** the trial date. Per the UPTO, if you allow the trial to be scheduled without making clear you have authentication objections related to business records, that objection will be deemed waived.

Trial Notice including Form 50 And Form 51: Before trial, the parties must attend Mediation within the last 180 days before filing a Notice for Non-Jury Trial to attempt a resolution of all matters in the case or obtain approval from the Court to dispense with mediation. Form 50 should be prepared and faxed to Dispute Resolution at 407-836-2367

⁹ A word. Please do not file a Notice for Trial the day after mediation when there are three outstanding motions related to discovery and the last Financial Affidavit was filed two years ago. Just don't.

¹⁰ The Court does not, yet, require parties to appear at Pretrial Hearings (unless by specific order). But think of how much easier to explain the process and challenges as identified by the fact finder when they are there to hear it themselves.

or emailed to OrangeCountyDRS@ocnjcc.org to schedule Mediation.

After Mediation is concluded, if any or all issues are unresolved, a Notice for Non-Jury Trial should be filed with the Clerk's office. Pursuant to Administrative Order 2004-14-02, counsel or self-represented litigants must attach a Form 51 to their Notice of Trial. If the case is a Dissolution of Marriage with Children or a paternity case, parenting class certificates must be filed with the Clerk's Office pursuant to Florida Statute 61.21 and Administrative Order 07-98-37-01.

Email a copy of the e-filed Notice and Form 51 to the division email in order for the trial procedure process to begin.

Evidence: Copies of all exhibits in virtual hearings ONLY must be provided in tagged, hard copy to the Clerk's office three business days prior to hearing or as provided in any specific pretrial Orders WITH ONLY IDENTIFICATION LETTERS. Tagged exhibits should be provided the clerk in Court at the start of any in person hearing, and preferably a separate copy provided to the Court. **You must use the Clerk approved tags, if you do not have them, please schedule an appointment with the Court's Trial Clerk prior to the trial date for the marking of all exhibits.** If there are any unusual or complex issues to be tried, attorneys may be asked to file a short memorandum citing case law and deliver a copy of the memorandum and the case law to the Court at least one week prior to the trial or hearing.

Please note: The court cannot play a CD or DVD, and you should provide a USB drive with any video, audio, or photos (unless printed). ONLY one item per USB, as the Court cannot put a device into evidence that contains items that are not admitted as evidence.

Miscellaneous

Orders: Generally, the Court will draft its own Orders after hearing. If you have a short matter, uncontested matter or default final trial, or are requested by the Judge, please provide a proposed Order in Word to the Court five days prior to the hearing to 38Orange@Ninthcircuit.org. The Court will also accept proposed findings of fact in Word format ahead of trial.

Submitting Proposed Orders: If requested by the Court to prepare an order, counsel doing so must send opposing counsel a proposed order **prior to** submitting it to the Court. Typically, the Court will issue their own orders. After a lengthy or complex hearing, the Court may request a party to draft the Order, or findings, and submit same to opposing counsel. If counsel cannot agree on the proposed order, they should complete a joint redline version and provide to the Court in Word. If further input is needed, the Court will request that counsel schedule the matter for ex parte/short matters. Additionally, all orders must contain the following information: title of the order includes the motion(s) that was/were heard; date of filing of pleading, date of the hearing; and a complete certificate of service including names and addresses/emails of counsel and pro se litigants. Orders

will be accepted via email and will be distributed once entered via email.

Those Letters Emailed with Orders:

Don't attach letters to the judge with proposed Div 38 orders. If it is agreed upon, put it in the email. If it is not agreed upon, put it in the email.¹¹

Discovery Disputes: Motions related to discovery should be very specific as to what is needed, particularly if it is a Paternity case with limited data points needed. Discovery Motions should be detailed and sent directly to the Court, as rarely will a hearing be provided. A detailed proposed Order should be sent with the Motion to 38orange@ninthcircuit.org. If a discovery motion is filed against you or your client, a response is recommended and may be ordered. Any discovery motion necessitating a hearing will likely result in fees being assessed.

Virtual Hearings: Being afforded virtual hearings is a privilege that can be lost. The Court expects that the lawyers involved practice logging on with their clients prior to the hearing so that there are no delays. Logging in "on time" will generally mean the hearing starts late, such is technology. Be early. Sending exhibits to the Court is not the same as providing marked copies to the Clerk's office for entry of exhibits into evidence. Both Court and Clerk need an Evidence Control Sheet.

Joint Parenting Plans: If there is no agreed upon Parenting Plan it is very likely that the Court will require the parties to produce a joint redline Parenting Plan. The instructions for creating a "redline" joint document are contained in a video on the Judge's page of the Ninth Circuit website at <https://ninthcircuit.org/judges/circuit/diana-m-tennis>. IF the parties do not agree on another method, the Petitioner should produce a Word version of their proposed Parenting Plan and send to Respondent, who should "redline" that version. This should go back to the Petitioner, who may want to agree to some of those changes or additions. Then it should be sent by email to 38Orange@ninthcircuit.org IN WORD.¹²

Joint Pre-trial Memorandum and Stipulations: The Uniform Pretrial Order requires a Joint Pretrial Memorandum and sets out the areas that must be included. There is a form sample of a Joint Pretrial Memorandum on the Judge's page of the Ninth Circuit website at <https://ninthcircuit.org/judges/circuit/diana-m-tennis> You are welcome to use this, PLEASE delete the portions that do not apply to your case before filing and submission to the Court. The Court does not have resources to litigate know-able facts. The Uniform Pretrial Order requires stipulations in the Joint Pretrial Memorandum as to know-able facts and numbers. Trial will not be provided without same. This includes agreement as to W-2 incomes, credit for temporary awards, health insurance breakdowns, all facts that are not in controversy. These stipulations should be set out specifically as stipulations in the Joint Pretrial Memorandum. If there is no agreement as to stipulations, "proposed stipulations" may be set out in the Joint Pretrial Memorandum. These should be brought to the Court's

¹¹ And. And. And. If the Order is not agreed to, make that really really clear. Put in in the first sentence clear.

¹² A PDF version is not helpful. Not changeable easily, see?

attention at trial, and fees may be assessed if the Court finds the stipulations were not reasonably agreed to and unnecessary litigation ensued.¹³

Equitable Distribution Spreadsheet: The Uniform Pretrial Order requires the Parties to produce a Joint Equitable Distribution Spreadsheet. The Parties are not required to use the sample EDS in Excel on the Judge's page of the Ninth Circuit website at <https://ninthcircuit.org/judges/circuit/diana-m-tennis> But, if they choose to use something else, it should have both parties' proposed valuation and valuation date, and both parties' proposed distribution. The joint EDS should be sent to 38Orange@ninthcircuit.org in Excel format and prior to the Pretrial Conference.

Cancellation Policy: Parties may only cancel hearings they themselves have scheduled, not hearings the Court has scheduled. If the hearing being cancelled is more than 30 minutes in length, the Court must approve that cancellation.¹⁴ Otherwise, the Court will expect the Parties to show up, discuss the issues, and if nothing else – have a case management. Please immediately notify the Judicial Assistant via e-mail of all cancellations, and whether this is due to settlement, so that the calendar may be opened up for other matters. You must attach to the e-mail a copy of the Notice of Cancellation. It is the responsibility of the moving party to file a Notice of Cancellation in the court file and submit a courtesy copy to Chambers as well as the responsibility to contact the opposing party to notify them of the cancellation. Any cancellation filed less than 3 business days prior to a hearing will not be seen by the Court and a courtesy copy must be provided. Long story short, the Court does not have sufficient hearing time for parties to use hearings as a tool for “putting feet to fire.”

Motions to Continue: Motions for continuance are disfavored and will be granted only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence is not grounds for granting a continuance. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e). Motions to continue may be set and noticed for ex parte/short matters or at a regularly scheduled hearing.

Motions for continuance must state with specificity: (1) the basis of the need for the continuance, including when the basis became known to the movant; (2) whether the motion is opposed; (3) the action and specific dates for the action that will enable the movant to be ready, including, but not limited to, confirming the specific date any required participants are available; and (4) the proposed date by which the case will be ready to proceed **and whether that date is agreed by all parties**. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).

¹³ Number #1 reason you get FJs later than you would like? UPTO not being followed.

¹⁴ Cancelling any hearing with less than 14 days notice means the Court CANNOT, in most circumstances, fill that time. So the Court may well decide everyone showing up and doing some case management is better than losing the time altogether.

Motions to Continue filed after the case has been set for trial will not normally be granted.

Motions to Withdraw and Substitution of Counsel: Pursuant to Florida Rules of Civil Procedure, all motions to withdraw or for Substitution of Counsel must have the client's signature and specific reason(s) for the withdraw/substitution.¹⁵ If you are unable to obtain client consent, motions to withdraw or to substitute counsel may be set and noticed for ex parte/short matters or at a regularly scheduled hearing. Motions to Withdraw filed after the case has been set for trial, may not be granted, and all such Orders need to include notice to the now pro se litigant of the date and time of the previously scheduled hearing or trial. Motions to Withdraw, even with consent, may require a hearing if filed prior to an already scheduled hearing or trial.

Referral to General Magistrate: Motions and Trials may be referred to the General Magistrate. Either party may file a written request that a matter be referred to the General Magistrate. A copy of the motion and the Order of Referral should be sent to the Court via email to the division email. Also, the Court may *sua sponte* refer a matter to the General Magistrate.

Support or Income Deduction Orders: When submitting an order or Final Judgment directing a party to make payments to the State Disbursement Unit, please submit an Income Deduction Order (with attached Income Withholding Order if there is child support) to be entered simultaneously by the Court. Sufficient copies and self-addressed, stamped envelopes for the parties must be provided. **It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to Statute.** Sample forms for IDO and IWO attachment may be found on the Court's page of the Ninth Circuit's Website at <https://ninthcircuit.org/judges/circuit/diana-m-tennis>.

Motions for Rehearing/Reconsideration: Upon filing said motion, please send a copy to the Court for review. The Court will either rule without a hearing or will advise the moving attorney to schedule a hearing. While an email may suffice in the correction of scrivener's errors, please remember that emails pointing out errors do NOT toll the time for rehearing under the Rules of Procedure. Lawyers should confer about problems with orders *prior* to emailing the Court.

Audio/Visual Equipment in the Courtroom: The procedure for help and assistance is to call our IT Department/Help Desk Line at (407) 836-0522 and they will schedule a test/training time for you. All courtrooms have AV equipment that may be different than that last used in family Courtrooms in Orange County. The Court will make the courtroom available before the equipment is to be used. It is the moving party's responsibility to ensure any digital media works.

¹⁵ Again, a request for hearing or order should include IN THE EMAIL the small, but critical, piece of information that there is a consent filed somewhere.

PROCEDURES SPECIFIC TO DOMESTIC VIOLENCE AND OTHER INJUNCTIONS

All 10 family relations judges in Orange County currently sit over all domestic relations and injunction cases and rotate between DR and DV cases in a 10-week rotation.

COURTROOM 16-A INJUNCTION RELATED HEARINGS

Every other week, Division 38 will have special set injunction case hearings on Thursday morning, and on Mondays, Wednesday afternoon (Spanish) and Fridays as available. As all proceedings related to injunction cases must be recorded, only this Courtroom may be used for those types of hearings. Any case requiring a Spanish Interpreter must be on a Wednesday afternoon.

COURTROOM 16-B INJUNCTION RETURN HEARINGS AND COMPLIANCE HEARINGS (Div 38 2026 return weeks begin Feb 23, May 4, July 13, Sept 21, Nov 30)

Monday – Thursday 8:30 am, 10:00 am, 1:00 pm, and 2:00 pm Return Hearings
Fridays 8:30AM COMPLIANCE AND 10:00 am Return Hearings (as needed)

Return Hearings are the final hearing that follow a Petition for Injunction where the Court determines whether a Final Judgment of Injunction will be entered. All Return Hearings are held in person. You may request permission for a witness, party, or attorney to appear virtually via Motion. The e-filed Motion and proposed Order must be sent to the division email at least one business day before the hearing. Cases requiring a Spanish interpreter are heard on Thursdays. If your case requires a Spanish interpreter and is not currently set for a Thursday, please notify the JA via the division email. For all languages, please notify the JA by emailing the division email if an interpreter is needed.

Longer or special set return hearings that are not scheduled in court should be requested by email to 38Orange@ninthcircuit.org. Cases requiring a Spanish interpreter are heard on Wednesday afternoons. For all languages, please notify the JA by emailing the division email if an interpreter is needed.

Evidence Requirements: For all evidentiary hearings set for one hour or more and all non-jury trials, the litigants are required to file a Witness and Exhibit List and exchange all exhibits no later than three (3) days before the hearing or as otherwise Ordered by the Court. You must comply with any time constraints or other requirements set by these Policies and Procedures and any Orders relating to the hearing or trial where you wish to offer the evidence. Failure to comply may result in the denial of your request to enter the item into evidence.

Exhibits that will be offered into evidence should be pre-marked using the court-approved tags. You may obtain tags from the trial clerk or the clerk's office. You are responsible for providing a copy of all exhibits to opposing counsel or self-represented litigant. If you wish

to provide copies of proposed exhibits to the Court before the hearing or trial, please email the division email to obtain a link to upload exhibits or receive further instructions on providing them to the Court. Please do not email the exhibits. You must still bring a hard copy of all exhibits to court for the trial or hearing. The Court cannot print your exhibits and uploading them to the drop box or filing them in the court file is insufficient for admission into evidence.

Please note: The court cannot play a CD or DVD, and you should provide a USB drive with any video, audio, or photos (unless printed). ONLY one item per USB, as the Court cannot put a device into evidence that contains items that are not admitted as evidence.

Final Hearings for Injunctions: Attaching proposed evidence to the Petition for Injunction or other pleadings is insufficient. Copies must be brought to the hearing in accordance with these rules and any Orders relating to the hearing for consideration.

Please note that the court reporting system records DV hearings but not DR hearings. If you require a recording of a DR hearing, you must hire your own court reporter.

Setting Hearings: The “meet and confer” requirement also applies to injunction case hearings. Once that is completed, an email should be sent to the division requesting hearing time availability.

Please attach an e-filed copy of the relevant Motion to your request. You must copy opposing counsel or self-represented litigant on all correspondence to the division email. If any party or attorney wishes to appear virtually, please refer to the instructions on virtual appearances before scheduling your hearing. Please include the following information in your request:

1. Case Number
2. Both Petitioner’s and Respondent’s Name and Attorneys’ Name(s)
3. Title of Motion and Date Filed
4. Date, Time, and Length of Time Being Requested
5. Whether the Hearing is Evidentiary in Nature (Testimony or Evidence Expected)
6. Certificate of Compliance with “Meet and Confer” and Hearing Coordination Requirements in Administrative Order 2014-19
7. Requests or Agreements to Appear Virtually
8. If DV, Whether an Interpreter is Needed, and Language Requested
9. Whether any Party is in Jail and Needs to be Transported to Court

Please note: Due to the high frequency of self-represented litigants and the sensitive nature of DV cases, the Court typically enters an Order Setting Hearing rather than requiring a Notice of Hearing to be filed by the litigants or attorneys.

Resources:

[Family Law Forms](#)

[Domestic Violence Resources](#)

Division Forms and other materials mentioned herein are available at <https://ninthcircuit.org/judges/circuit/diana-m-tennis>

ADA Accommodations:

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 in Orange County, ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, fax: 407-836-2204 [in Osceola County: ADA Coordinator, Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, FL 34741, (407) 742-2417, fax 407-835-5079] 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 impaired or voice impaired, call 711.

<https://ninthcircuit.org/programs-services/americans-disabilities-act>

Interpreter Requests:

If an interpreter is needed for a hearing related to an injunction case, please email the division at 38Orange@ninthcircuit.org.

If an interpreter is needed for a domestic relations case that does NOT involve an injunction, the Court does not provide interpreters for those hearings. A Certified Interpreter should be brought by the Parties.

Information on interpreters' services can be found on the circuit's website at the following link: <https://ninthcircuit.org/programs-services/court-interpretersinsert>.

Please note: These procedures apply to Judge Diana M. Tennis only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in that division for instructions.