

DIVISION 41
Judicial Practices and Procedures
(last modified January 2026)

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A. Communications with the Judicial Office

1. Method of Communication

All communications to the judicial office must be submitted by e-mail to 41osceola@ninthcircuit.org. The subject line must contain the case number, case name, and relevant matter (e.g., 2024 DP 001234 – Doe - 2-Hour Hearing Requested.)

- a. Address all email to only the division email address:
41osceola@ninthcircuit.org.
- b. Copy all opposing counsel and unrepresented parties on all correspondence to Chambers.
- c. Do not ask legal questions.
- d. Attach a file-stamped copy of the pleading, motion, or other paper related to the subject of the email communication. The Court will not rule unless the requisite pleading or motion setting forth the relief requested and the factual and legal bases for the relief has been filed.

2. 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.

3. Unsolicited Communications

Unsolicited communications from nonparties will not be considered by the court. Parties may only contact the judicial office in the manner provided in these practices and procedures.

4. E-Filing Portal Contact Information

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. Attorneys and self-represented litigants are responsible for updating their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.

5. Response to Inquiries

- a. The judicial assistant is not authorized to provide legal advice.
- b. An acknowledgment of, or response to, an inquiry can generally be expected within one business day.
- c. When the judicial assistant is out of the office, an automated email response will indicate when a reply can be expected and will provide instructions for obtaining immediate assistance, if necessary.

B. Scheduling Procedures

1. Court Schedule

The Court's docket is available for viewing on [aiCalendar](https://calendar.ninthcircuit.org/), available at <https://calendar.ninthcircuit.org/>.

2. Scheduling Hearings

Adjudicatory hearings (trials) and hearings that are statutorily required are scheduled and announced in court. Hearings that are not set in court or by the judge must be scheduled according to the procedures set forth below. The scheduling of adoption hearings is addressed in the Adoption section of these procedures.

- a. No notice of hearing may be filed or served before the Judicial Assistant has confirmed, in writing, that a hearing has been authorized by the Court. Unauthorized or premature notices of hearing may be struck without notice or opportunity to be heard.
- b. Before requesting hearing time, a written motion must be filed with the Clerk of Court.
- c. Available hearing time is reflected on [aiCalendar](https://calendar.ninthcircuit.org/), available at <https://calendar.ninthcircuit.org/>. Blocks of available hearing time may be added together, if necessary for longer hearings.
- d. After selecting the preferred hearing date and time, email to Chambers a file-stamped copy of the motion(s) to be heard along with the following information:
 - i. Date and time requested for the hearing;
 - ii. Amount of time requested for the hearing;
 - iii. Whether an interpreter will be required and, if so, the language;
 - iv. Names of all involved attorneys and unrepresented parties; and
 - v. Date on which counsel met and conferred by telephone or videoconference in an effort to resolve the issue before requesting hearing time.
- e. If the Court approves the requested hearing time, the Judicial Assistant will email confirmation of the hearing, at which time the party requesting the hearing may file a notice of hearing. Hearing time will be not reserved or held; therefore, delays in filing a notice of hearing may result in loss of the requested hearing time to another party or case.
- f. A copy of the file-stamped notice of hearing must be promptly served to Chambers.

3. Notice of Hearing

- a. Notices of hearing must include the exact title(s) of the motion(s) to be heard, the filing date(s) of the motion(s), the time for which the hearing is scheduled, the amount of time approved for the hearing, and the courtroom in which the hearing will be held.

- b. Notices of evidentiary hearing must be titled “Notice of Evidentiary Hearing” and must contain all information set forth in the preceding paragraph.

4. Order of Proceedings

- a. Matters will be heard in the order they appear on the docket.
- b. All dependency and parental termination proceedings are conducted in person unless otherwise ordered or authorized by the Court.
- c. Parties should wait outside the courtroom until their case is called. Witnesses must wait outside the courtroom until they are personally called into the courtroom.
- d. Once the case has concluded, parties and witnesses must exit the courtroom promptly so that the next case can be called.

5. Continuance Procedure

- a. Time is of the essence in dependency proceedings, and time limitations are a right of the child. See §§ 39.0136 and 39.402, Fla. Stat.
- b. Continuances are disfavored and will be granted only for good cause. A request for continuance should be submitted at least five days prior to the scheduled court date. 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) unless good cause is shown as to why the moving party could not sign the motion.

6. Cancelling Hearings

- a. Only the party who scheduled a hearing may cancel it.
- b. All hearing cancellations must be documented by the filing of a notice of cancellation.
- c. A copy of the file-stamped notice of cancellation must be served to Chambers after receipt of the file-stamped copy through the e-filing portal.

C. Remote Appearance

1. Remote Appearance Procedure

- a. Attorneys having actual calendar conflicts with courts outside of Osceola County may appear for nonevidentiary hearings through Webex videoconference without first filing a motion for permission to appear remotely. An attorney's abuse of the privilege of appearing remotely may result in revocation of the attorney's privilege of appearing remotely and will require in-person attendance at all hearings and proceedings.
- b. In no event does an attorney's remote appearance authorize any other party or participant to appear remotely. No party or participant may appear at any hearing or other proceeding remotely without first obtaining a court order authorizing a remote appearance.
- c. Parties or participants desiring to appear remotely through Webex videoconference must file a written motion demonstrating both good cause for remote appearance and possession of the hardware and reliable internet connection necessary for appearing through Webex videoconference.
- d. Remote appearances for evidentiary hearings are disfavored and will not be permitted for any attorney, party, or participant unless a written motion is filed and served to all parties at least 10 days in advance of the evidentiary hearing or other proceeding at which remote appearance is requested. The Court will consider motions filed with less than 10 days' notice in emergency or other unforeseen circumstances. Poor planning or lack of communication does not constitute an emergency or unforeseen circumstance. All motions must demonstrate both good cause for remote appearance and possession of the hardware and reliable internet connection necessary for appearing through Webex videoconference.

2. Platform Used

The Court uses Webex videoconference for remote appearances.

3. Platform Meeting Link and QR Code:

<https://ninthcircuit.webex.com/join/41osceola>



4. Technology Needs

Questions about audiovisual devices and or other courtroom technology issues should be addressed to the Ninth Circuit's Technology Support department at AVSupportOsceola@ninthcircuit.org or 407-742-2488 in advance of the hearing or other proceeding at which the device(s) or technology will be used. Additional information can also be found at <https://ninthcircuit.org/programs-services/technology-support>.

5. Other Remote Appearance Procedures

Parties or participants authorized to appear remotely through Webex videoconference must abide by the following conditions during their remote appearance:

- a. Keep camera on for the duration of attendance at the hearing;
- b. Keep microphone on mute except when called upon, when responding to a question by the Court, and while testifying; and
- c. Assure the absence of all distractions in the physical environment from which they will be appearing.

D. Submission of Orders and Judgments

1. Format

All proposed orders must be submitted in Microsoft Word format.

2. Submission Method

All proposed orders must be submitted by email to 41osceola@ninthcircuit.org and must include:

- a. A descriptive title that includes the name of the motion(s) addressed by the order and whether the order grants or denies or otherwise disposes of the motion;
- b. The filing date of the motion addressed and, if the order follows a hearing, the date(s) on which the hearing was held; and
- c. The names of counsel and any unrepresented parties who appeared for any hearing or, if the order is unopposed, a statement that all parties have stipulated to rendition of the order.

3. Deadline for Submissions

Proposed orders should generally be submitted within 10 days after the hearing to which the order pertains, after circulation of the order among counsel for all parties, participants, or other individuals who participated in the hearing.

4. Other Procedures Relating to Submission of Orders and Judgments

- a. When the parties are unable to agree on the form of a proposed order or the Court has requested proposed orders from multiple parties, a statement to that effect must be included in the email transmitting the proposed order.
- b. Orders establishing a permanent guardianship may not be submitted until after the Court has conducted a hearing attended by the permanent guardian(s).

E. Pretrial Procedures and Conferences

1. Pretrial Status Conferences

- a. All counsel are expected to confer in good faith in advance of the pretrial conference for the purpose of (i) discussing potential stipulations and pending motions or other matters that bear on timely commencement and conclusion of the trial, (ii) disclosing their respective witnesses and exhibits, and (iii) discussing objections to any party's witnesses or exhibits.
- b. All parties must file a written pretrial statement at least one day in advance of the pretrial conference, and the pretrial statement must identify:
 - i. All witnesses that the party actually intends to call to testify. Witnesses must be identified by name, address, and

telephone number;

- ii. All exhibits that the party actually intends to offer at trial. Exhibits must be described with specificity and not by general description;
- iii. All stipulations by the parties;
- iv. All pending motions and other pretrial issues that must be addressed by the Court before trial;
- v. All outstanding discovery requests or disputes;
- vi. All other barriers to commencing and completing the trial when scheduled; and
- vii. The amount of time required for trial.

Undisclosed witnesses may not be permitted to testify, and undisclosed exhibits may not be admitted into evidence.

- c. Issues that arise, or case developments that occur, after a pretrial status conference must be promptly brought to the Court's attention by email to Chambers. Where an issue or development requires action by the Court, a written motion must also be promptly filed, and a file-stamped copy of the motion must be served to Chambers.

F. Setting Case for Trial

Trials are scheduled in court, at the arraignment or advisory hearing, or during any other hearing in which modification of the trial date is discussed.

G. Forms

1. Access

- a. The Uniform Chapter 39 Checklist must be completed and filed in every Chapter 39 adoption case and can be found on the Court's webpage at <https://ninthcircuit.org/judges/circuit/tom-young> or upon request to 41osceola@ninthcircuit.org.
- b. The Application for Determination of Civil Indigent Status can be found on the Clerk of Court's webpage at

<https://osceolaclerk.com/forms-packets/>, under the *Juvenile Forms* section.

H. Other Division Procedures

1. ADA Accommodations

Persons in need of an ADA accommodation should call 407-742-2417. Additional information can also be found at <https://ninthcircuit.org/programs-services/americans-disabilities-act>.

2. Interpreter Requests

All requests for language or sign language interpreters must comply with Administrative Order No. 2008-01-02, which requires counsel and unrepresented parties to inform the Judicial Assistant when scheduling the proceeding or as soon as the need for interpreter services is identified. The request must specify whether one or multiple interpreters are needed. Additionally:

- a. Requests for Spanish language interpreters must be made at least two (2) business days in advance of the trial or hearing date;
- b. Requests for Creole or Portuguese language interpreters, and requests for American Sign Language interpreters, must be made at least 10 business days in advance of the trial or hearing date; and
- c. All other language interpreter requests must be made at least 30 days in advance of the trial or hearing date.

3. Appointment of Counsel

The Court will appoint counsel for a party who is statutorily or constitutionally entitled to legal representation when that party appears and requests appointment of counsel, qualifies financially for court-appointed counsel, and has completed and filed the required Application for Determination of Civil Indigent Status.

4. Shelter Hearings

- a. Shelter hearings are generally held at 1:30 p.m. in Courtroom 4C of the Judge Jon B. Morgan Osceola County Courthouse except on weekends and court holidays, during weeks that Judge Young has first appearance duty, or when another judge is covering the docket. During weeks that Judge Young has first appearance duty,

shelter hearings will be conducted immediately after conclusion of the first appearance docket.

- b. Parents or other legal custodians involved in a shelter hearing must appear in person and, if requesting appointment of counsel, must complete an Application for Determination of Civil Indigent Status and an address form.

5. Adoptions

- a. A Uniform Chapter 39 Adoption Checklist must be completed and filed in every Chapter 39 adoption case. The prescribed checklist is available on the Court's webpage and upon request to 41osceola@ninthcircuit.org.
- b. No adoption hearing may be scheduled until a petition for adoption has been filed, the file contains a completed Uniform Chapter 39 Adoption Checklist and all required papers, and all appeals have concluded with finality or become time-barred.
- c. At least 14 days' notice must be provided for all adoption hearings.
- d. Adoption hearings are conducted in person unless the adoptive family lives more than 120 miles from the courthouse or good cause is demonstrated through a written motion. Adoption hearings conducted by communication technology are conducted only through Webex videoconference.
- e. With consent of the petitioner(s), family members and friends are welcome, and cameras are permitted.

6. Court Appearances by Children and Youth

- a. Every child or youth subject to a dependency proceeding is a party to the proceeding. § 39.01(61), Fla. Stat. Accordingly, the child or youth has the right to attend and participate in every proceeding in their case.
- b. Anytime the Guardian ad Litem or Case Manager has reason to believe that providing notice of upcoming proceedings would be meaningless or detrimental to the child, the Department of Children and Families (Department) or the Guardian ad Litem must file a motion to excuse notice to the child and must serve a file-stamped copy of the motion to Chambers. The motion must state the specific facts on which it is based. If notice would be

meaningless or detrimental to a child because of the child's young age or another persistent circumstance, a single motion will suffice until a material change in the child's ability to participate in proceedings has occurred.

- c. Absent an order excusing notice to the child, the Guardian ad Litem and Case Manager must provide oral or written notice of all proceedings to every child. Notice must include a description of the matter(s) to be heard and decided, the date and time of the proceeding, and a statement that the judge welcomes the child's presence and participation in court, if they wish to attend either in person or through communication technology.
- d. If a child wishes to attend a proceeding, the Department or Guardian ad Litem must notify Chambers in advance by email to 41osceola@ninthcircuit.org. The notice to Chambers must state:
 - i. the child's desire to attend the proceeding;
 - ii. whether the child requests an in camera proceeding for examination by the Court outside the presence of other parties;
 - iii. whether the child prefers to attend in person or through communication technology; and
 - iv. whether the proceeding has been scheduled on a date and time, or for a length of time, that is incompatible with the child's ability to attend and participate in the proceeding. If the scheduled date and time, or amount of time allotted, for the proceeding are incompatible with the child's ability to attend and participate, the Department or Guardian ad Litem must propose at least one method for accommodating the child and, if necessary, must file a motion to continue or reschedule the proceeding.
- e. In most situations, a child's inability to attend in person should be subject to accommodation through communication technology. Accordingly, the Court expects the Case Manager and Guardian ad Litem to provide the child, caregivers, placements, and schools with the information necessary to access the Court's Webex videoconference technology. No caregiver or placement may prevent the child's attendance at a court proceeding, whether in person or through Webex videoconference, as a means of incentive or discipline.

7. In-Camera Examinations

When an in-camera examination of a child is requested, a motion, filed by the requesting party, must identify the particular issue(s) the child's testimony will concern so that all parties receive appropriate notice. See Fla. R. Juv. P. 8.255(d).

8. Questions

General or procedural questions not addressed by these procedures may be directed to the Judicial Assistant via email to 41osceola@ninthcircuit.org.