

Elaine A. Barbour
Circuit Judge



Christine Cohen
Judicial Assistant

State of Florida Ninth Judicial Circuit of Florida

Division 45 Judicial Practices and Procedures

Contact Information

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Business hours: 9:00 a.m. to 5:00 p.m.

Monday through Friday

PLEASE NOTE: These procedures apply to Judge Elaine A. Barbour in Division 45 only.

These procedures have several helpful links to resources referenced. Just hover your cursor over the link and hit "Ctl+Click" (hit the Ctrl button, a hand will appear and then right click with your mouse) and you will be taken to the linked resource.

Where a [Ninth Circuit Administrative Order](#) or the [Florida Family Law Rules](#) conflict with these Policies and Procedures, the Order or Rule will control. Please read these rules in their entirety. If you have questions, read this document thoroughly. If not answered below, only then inquire via email at the [Division 45 email](#)

CONTACT: The division email should be used for all hearing requests or other matters. You must copy opposing counsel and pro se litigants on all correspondence to the Judicial Assistant (JA) at the division email; otherwise, the email may not be responded to. The division email is: 45Orange@ninthcircuit.org

PRO SE 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 [Family Court Case Management](#), [the Self Help Center](#), or [Legal Aid](#). The [Family Court Case Management Office](#) has an [online form](#) for pro se litigants to request assistance.

INTERPRETERS: The Court will provide interpreters for DV¹ cases DR² cases upon request. Generally, interpreters for DV cases are only available on Wednesdays and Thursdays. If you need an interpreter for a case, you must email the judicial assistant at [Division 45 email](#) **not less** than 5 business days in advance of your hearing. Place in the email subject line: INTERPRETER REQUEST and in the body of the email your name, name of the party and/or witness needing services, case number, date/time of hearing and language requested. Interpreter services are not confirmed until you receive a confirmation email back from the judicial assistant.

ADDITIONAL RESOURCES: Additional information, resources, and forms can be found at the following link

[Judge Elaine A. Barbour's Ninth Circuit Page](#)
[Ninth Circuit Administrative Orders](#)
[Family Law Forms](#)
[Ninth Circuit Family Court Case Management Services](#)
[Domestic Violence Resources](#)
[Injunction Hearing Instructions](#)
[File Your Documents On Line - Instructions](#)
[Address & Email Form](#)

Virtual Hearings: Division 45 WEBEX link –

[Link to WebEx Division 45](#)

or scan the QR code below:



¹ “DV” refers to Domestic Violence, e.g. Injunctions

² “DR” refers to Domestic Relations cases, e.g. divorces and paternity cases

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to Christine Bratek-Cohen. The subject line must contain the case number, case name, and relevant matter (e.g., 2024 DR 001234 SC – Doe v. Doe - 2-Hour Hearing Requested.) Any emergency motion attached must state “emergency motion” in the subject line.
- **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. All inquires should be directed to the judicial assistant.
- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.
- **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. 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.

- **Response to Inquiries:** The judicial assistant is not authorized to provide legal advice. All inquiries needing response will be responded to during normal business hours. An “out-of-office” response will state when the judicial assistant is expected to return.
- **Other Communication Procedures:** Telephone communication should be limited to those instances where no email response has been received within 48 hours of the initial e-mail.

B. Scheduling Procedures

- **Court Schedule:** All court dockets may be found at [ai On Line Docket](#). DV signing and return hearing weeks are on a 10 week rotation. DR schedule will be at all other available dates.
- **Prerequisite to Setting Hearings:** Before coordinating a hearing, Counsel shall comply with [Administrative Order 2014-19](#). Specifically, the hearing coordination and “meet and confer” portions of the Order must be met prior to scheduling a hearing. Additionally, mediation is required before seeking temporary relief or setting a case for trial in a DR case. Please see the Mediation and Trial Procedure sections below for additional information.

Requests for hearing time will be reviewed by the judge, and an Order may be entered without a hearing. If either side receives an Order contrary to their position, you may file a timely Motion for Reconsideration.

Please note that DV hearings are recorded by the court reporting system, but DR hearings are not. If you require a recording of a DR hearing, you must hire your own official court reporter. Private pro se recordings of DR proceedings are strictly prohibited.

- **Setting Hearings:** Once you have satisfied the “meet and confer” requirement, obtain hearing time availability. Hearing time availability can be viewed on the [ai On Line Docket](#). However, due to the ten-week rotation and the complexity of the calendar, the better practice is to request hearing time by sending an email to the [division email](#).

Next, coordinate your hearing with opposing counsel or pro se litigants. Please refer to [Administrative Order 2014-19](#) for guidance where the opposing counsel or pro se litigant fails to “meet and confer,” does not respond, or refuses to coordinate the hearing.

Finally, email the [division email](#) to reserve the hearing time. Please attach an e-filed copy of the relevant Motion to your request. You must copy opposing counsel or pro se 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

All hearings, including ex/parte short matters, must be confirmed by the JA to appear on the docket. Once the hearing is confirmed, the Judicial Assistant will contact you with further instructions. Cross-Notices are not permitted without agreement of the opposing side and approval from the Court.

- **Ex Parte/Short Matters:** Ex parte and short matters are typically held virtually via [WebEx](#) on an as needed basis. Please contact the judicial assistant at the [division email](#). This may be used for uncontested matters such as motions to withdraw, uncontested final hearings, agreed orders, motions to continue, name changes, default hearings, uncontested relative temporary custody hearings, adoptions³ and matters involving legal argument of 15 minutes or less. Hearings

³ Adoptions are closed proceedings. Only parties to the adoption will be allowed in the room.

requiring testimony, evidence, or more lengthy argument are not appropriate. If you intend to hire a court reporter or want to appear in person, the matter is not appropriate to be heard on the ex parte docket.

Please email the [division email](#) to confirm available ex parte dates and coordinate a date with opposing counsel or pro se litigants. Include an e-filed copy of the Motion, and a Word copy of the proposed Order. Once you have coordinated a date, confirm the date and time by emailing the [division email](#). If unable to coordinate the date with opposing counsel or pro se litigants, detail your efforts to coordinate the hearing when you confirm the hearing time.

Note: Many issues can be ruled upon in Chambers without a hearing, e.g. consented motions, orders adopting agreements, agreed upon orders/judgments, disputed orders after oral ruling, uncontested paternity and dissolution of marriage final judgments,⁴ etc. You may inquire by email to the [division email](#) as to whether a hearing is required before setting the hearing.

- **Notice of Hearing:** A notice of hearing must be filed and served immediately after confirmation of hearing time. A notice of hearing involving any remote or virtual appearance must list the WebEx link and QR Code. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.
- **Submission Deadlines:** The court must receive all materials for the hearing no later than three business days before the hearing. Materials should not be hand delivered. Absent other approval, all materials should be e-mailed to the judicial assistant.
- **Order of Proceedings:** Matters will be heard in the order they appear on the docket. Parties represented by attorneys will generally be heard first.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. Due to the 10 week injunction docket rotation schedule, Respondent opposed motions to continue will not be granted without exceptional good cause. A request for continuance must be submitted at least five days prior to the scheduled court date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice

⁴ See “Other Division Procedures”

and Judicial Administration 2.545(e). The position of the opposing party must be placed in the Motion or it may be denied. It will be the responsibility of the moving party to reschedule the DR court date.

- **Cancelling Hearings:** The party who set the hearing may cancel a hearing without court permission. The moving party must notify the judicial assistant at the [division email](#) and follow up with a Notice of Cancellation served on the opposing party. Trials generally may not be canceled by either party unless there is a full settlement reached. If a full settlement is reached, notify the judicial assistant seeking permission from the Court to cancel the trial. Generally, the Court will require submission of fully signed agreement(s). If no confirmation of the cancellation is received from the JA, the parties are expected to appear at the date and time the trial is scheduled.

C. Remote/Virtual Appearance

- **Remote/Virtual Appearance Procedure:** Requests to use communication technology for an appearance must be made by motion. Upon proper motion, unless good cause exists to deny same, the Court will grant a motion for virtual appearance for a non-evidentiary hearing of 30 minutes or less. Virtual appearances at evidentiary proceedings are generally disfavored. The court does maintain a hybrid virtual courtroom, allowing parties to appear either in person or remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530. Good cause for a virtual appearance must be shown.
- **Platform Used:** The court uses WebEx for remote appearances.
- **Platform Meeting Link:** [WebEx Link Division 45](#)
- **Requirements:** A motion requesting virtual appearance must be filed with a copy to the opposing party. With the exception of DV cases, the position of the opposing party must be stated in the Motion or it may be denied. Any objections must be filed within 10 days after service as provided for by Rule 2.530. All objections must set forth the grounds in detail or it may be overruled without hearing. The Court will rule on the Motion,

if possible, in chambers. If hearing is required, the Court will notify the parties.

- **Technology Needs:** If assistance with audio/visual equipment is needed, contact the IT Department/Help Desk Line at (407) 836-0522 or by [online request](#). Additional information can be found on the [Ninth Circuit's Technology Support](#) page. Please note that audio/video equipment may have changed since last time you used it, so plan accordingly. The Court will make the courtroom available for advance preparation. It is the requesting party's responsibility to ensure any digital media works and make arrangements for its use in court.

D. Submission of Orders and Judgments

- **Format:** All proposed orders and judgments must be submitted in Word format and accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order or judgment. After review, the Court will either enter order/judgment or set the matter for hearing, if needed. All orders/judgments referencing child support guidelines, other orders or agreements should have same attached to any submission.
- **Submission Method:** Proposed orders should be submitted via e-mail to the [division email](#)
- **Deadline for Submissions:** Proposed orders must be submitted within 10 days after any hearing.
- **Other Procedures Relating to Submission of Orders and Judgments:** Follow the dictates of all orders setting trial, orders or the Court's on record instructions regarding judgments.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law must be brought to the proceeding, a copy of same having been previously electronically submitted to the court and opposing party three (3) days prior to any evidentiary hearing.

- **Format:** A PDF format is acceptable for electronic submissions
- **Submission Method:** E-mail.
- **Deadline for Submissions:** Not later than three (3) days before any evidentiary hearing.
- **Other Courtesy Copies Procedures:** The Court does not favor advance submission of trial or hearing binders. For complex litigation cases, the JA should be contacted regarding delivery/submission of trial or hearing binders.

F. Emergency and Other Urgent Matters

- **Requirements:** All Emergency Motions must include “EMERGENCY MOTION” in the title. The Motion should also be verified. E-mail the e-filed copy of the Motion to the [division email](#) and indicate in the subject line of the email that it is an Emergency Motion. An Emergency Motion is only appropriate in an “emergency” situation, such as where a child is threatened with harm, or where the opposing party plans to improperly remove the child from the state.. If it is expedited relief that you are requesting, title your Motion “EXPEDITED” rather than “EMERGENCY,” and proceed accordingly.
- **Scheduling:** Once an Emergency or Expedited Motion is received via the [division email](#), the Court will review the Motion and either (1) enter a ruling on the Motion without a hearing; (2) set a hearing for the Motion to be heard on an emergency basis, or (3) deny the Motion as being an emergency, and direct the parties to coordinate a hearing for the Motion to be heard on an expedited or non-emergency basis.

G. Exhibits for Evidentiary Proceedings

- a. **Submission Method:** All exhibits must be brought to the courtroom, pre-marked with the Clerk’s approved exhibit tags. The Court does not accept exhibit binders in advance without prior approval. Objected to exhibits should be introduced as they become relevant to the testimony or other evidence.

- b. **Format:** Please follow the [Clerk's Exhibit marking instructions](#) Exhibit tags are located on the 1st floor in Records Management. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the court, and each party to review during the hearing or trial.
- c. **Deadline for Submissions:** Exhibit Lists, exhibits and case law should be electronically exchanged between the parties not later than three (3) days prior to any evidentiary hearing.
- **Other Procedures Relating to Exhibits for Evidentiary Proceedings:** Please note: the Court does not have the ability to play a CD or DVD, and you should provide a USB drive with any video, audio, or photos (unless printed) or make your own arrangements for the CD or DVD to be played. (Bring your own device or contact the [AV Department](#) for further assistance.)

H. Pretrial Procedures and Conferences

- **MEDIATION REQUIREMENT:** Pursuant to [Administrative Order 2004-14-02](#), parties must attend mediation prior to seeking temporary relief or setting a case for 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\(2\)\(c\)](#).
- **TEMPORARY MATTERS (FORM 50):** Parties should attend Mediation before requesting hearing time for temporary relief in DR cases. File [Form 50](#) with Dispute Resolution to schedule the Mediation. [Form 50](#) may be faxed to 407-836-2367. If, after Mediation, the parties are unable to reach agreement, a hearing on temporary matters may be scheduled with the Court.
- **GENERAL MAGISTRATE:** Pursuant to Fla.R.F.L.P.12.940(b) and (c), parties may request or the Court may refer eligible matters to a General Magistrate. Matters referred can be heard sooner than availability on the court's calendar. Any written Objection to a referral must be filed within 10 days of the service of the order of referral.
- **CASE MANAGEMENT CONFERENCE:** After the Notice for Non-Jury Trial and [Form 51](#) are received by the Court, the Court will issue an Order setting a

Case Management Conference (CMC). The Court may also set a CMC on its own accord or upon motion of any kind. Please note that where a CMC is set by the Court, it is held pursuant to [Florida Family Rule of Procedure 12.200](#), which may include the setting or disposition of any outstanding Motions, and place other requirements on the parties. Prior to the CMC, counsel and pro se litigants must comply with all aspects of the Order setting the CMC.

All counsel and parties must be present for CMC unless previously excused by the Court. CMCs will generally be held virtually using the [WebEx link](#). If any party or attorney wishes to appear in person, please send a request to the [division email](#). At the CMC, a Pre-Trial Conference (PTC) will be set if the case is ready for trial, and the Court will enter a Uniform Pre-trial Order (UPTO). If the case is not ready for trial, another CMC may be set.

- **UNIFORM PRE-TRIAL ORDER REQUIREMENTS:** Prior to the PTC, counsel and pro se litigants must comply with all aspects of the UPTO. Noncompliance may result in cancellation of the PTC and other sanctions. If modifications or extensions of time are needed, a timely Motion to Modify the UPTO is required.

To streamline the issues that will be addressed at trial, parties and attorneys will be required to prepare documents in advance of the PTC to assist the Court. The UPTO will detail these requirements. Sample forms and instructions are available at the websites listed under Additional Resources on the first page of these policies and procedures. If the parties are unable to cooperate to complete the following, the Court may decline to set the case for non-jury trial until completed, and fees may be assessed accordingly. Examples include the following:

Parenting Plan: Where the parties do not have agreement on a Parenting Plan, the court may require the parties to produce a joint redline Parenting Plan. [Instructions](#) for how to create a redline word document on how to create one is available online. You may also refer to the Parenting Plan in [Family Law Form 12.995](#).

Pre-Trial Memorandum: The UPTO requires a Joint Pre-Trial Memorandum with stipulations or proposed stipulations. A [sample form](#) is available online for your use.

Equitable Distribution Spreadsheet: The UPTO requires a Joint Equitable Distribution Spreadsheet. An [Excel spreadsheet](#) is available online for your use.

You will also be required to provide a copy of all exhibits to opposing counsel or pro se litigant pursuant to the UPTO, even if the items were previously disclosed through the Discovery process.

- **PRE-TRIAL CONFERENCE:** All parties and their attorneys must appear at PTC. If all parties have complied with the Uniform Pretrial Order, the non jury trial will be scheduled at PTC. The trial date will be set at the Court's

first availability. PTCs will be held virtually using the [WebEx link](#). If any party or attorney wishes to appear in person, please send a request to the [division email](#). After PTC, the Court will issue an Order setting the Trial.

I. Setting Case for Trial

- **Procedure:** Prior to 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 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 pro se 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.

- a. **Notice Period:** The court does not set trial periods. At the pre-trial conference, the court will assign cases to specific trial date certain.
- b. **Non-Jury Trial:** Non-Jury Trials will be held in person. Please read the Order Governing Trial and comply with all requirements in a timely fashion. Both sides will be required to provide an updated Final Judgment, Parenting Plan, and Child Support Guidelines to the Court and opposing counsel or pro se litigant at least three business days prior to trial or as detailed in the Order Setting Trial. Please send the proposed Final Judgment and proposed Parenting Plan to the [division email](#) in Word format. All parties and attorneys are expected to appear in person for trial. See the Virtual Appearances section for more information to request that a witness appear virtually.

J. Forms

- c. **Access:** Family Law Forms may be found at the following

website: www.flcourts.gov There you will find fillable Word and PDF formats. Other helpful links to forms and other information may be found at the beginning of this document or at this court's [judicial website](#) page under Helpful Information.

- d. **Usage:** All forms should be in typewritten format.

K. Other Division Procedures

- **UNCONTESTED FINAL JUDGMENTS:** Attorney Uncontested Dissolution of Marriage final hearings are set in front of the Judge assigned to the case.

Uncontested Final Hearings may be conducted in writing without the need for attorneys or parties to appear by filing a Motion and Waiver for 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.

Uncontested Paternity Final Judgments and Supplemental Final Judgments may be emailed to the [division email](#) for review by the Judge without a hearing if all required documents have been filed. Please indicate whether the Final Judgment is agreed upon.

If a hearing is requested, complete the [Uncontested Dissolution Checklist](#) and email it to the [division email](#), along with the proposed Final Judgment and all agreements. The Parenting Plan and any Marital Settlement Agreement must be incorporated into the Final Judgment and attached as exhibits. Any Final Judgment in a case with children must include full names and dates of birth of the child and all child support details. Send all documents to the [division email](#) when requesting hearing time. Send the Final Judgment in Word format.

These may be set during regular hearing time, or on the ex parte docket if the parties are confident it can be handled in fifteen minutes or less. Remember the ex parte docket is virtual, and the proposed Final Judgment must be sent to the Court prior to the hearing.

- **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 (IDO) (with attached Income Withholding Order (IWO) if there is child support) to be entered by the Court. Please use [Form 12.996 \(IDO\)](#) and the [OMB approved form \(IWO\)](#) that are available online. It is the responsibility of the receiving

party to ensure the Obligor's employer receives a copy of the Withholding Order.

- **REQUESTS FOR REHEARING OR RECONSIDERATION:** Where parties or attorneys wish for the Court to rehear a Motion or reconsider a Motion, you must first timely file the Motion for Rehearing or Reconsideration pursuant to the [Florida Law Rules](#). Email the e-filed copy of the Motion to the [division email](#) for review. The Court will either (1) enter a ruling on the Motion without a hearing, or (2) direct the parties to coordinate a hearing for the Motion for Rehearing or Reconsideration to be heard. If a Motion for Rehearing or Reconsideration is granted, a separate hearing will then be set on the underlying issue.
- **REASSIGNMENTS:** Reassignments among divisions are done by Order of the Family Court Division Administrative Judge pursuant to [Administrative Order 2017-10-04](#). DV and DR cases may not be consolidated, but related cases will be heard by the same judge, if the requirements under the Administrative Order are met. Please read paragraph 1.C. & D. before contacting the Judicial Assistant regarding any request for reassignment.
- **AUDIO/VISUAL EQUIPMENT IN THE COURTROOM:** If assistance with audio/visual equipment is needed, contact the IT Department/Help Desk Line at (407) 836-0522 or by [online request](#). Additional information can be found on the [Ninth Circuit's Technology Support](#) page. Please note that audio/video equipment may have changed since last time you used it, so plan accordingly. The Court will make the courtroom available for advance preparation. It is the requesting party's responsibility to ensure any digital media works and make arrangements for its use in court.
- **ADA Accommodations:** 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; and 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 if you receive less than a 7 day notice to appear. If you are hearing or voice impaired, call 711 to reach the Telecommunications Relay Service.

Interpreter Requests: Refer to page 2 of these procedures.