



**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER # 2010-00-01

**RE: STANDING FAMILY LAW PRETRIAL COURT ORDER
(RESCINDING BAY COUNTY ADMINISTRATIVE ORDER # 2006-01-01)**

Whereas, Rule 2.215 (b) (3), Rules of Judicial Administration, directs the chief judge to develop an administrative plan for the efficient and proper administration of all courts within the circuit;

Whereas, Rule 2.215 (b) (5), Rules of Judicial Administration, allows the chief judge to designate a judge in any court or court division of circuit or county courts as "administrative judge" of any court or division to assist with the administrative supervision of the court or division;


Whereas, the Supreme Court of Florida endorsed the implementation of a unified family division consistent with the "Coordinated Management" model in the circuit court of Florida **In re: Report of the Family Court Steering Committee**, 794 So. 2nd 518 (Fla 2001);

Whereas, the Fourteenth Judicial Circuit is committed to developing and implementing a fully integrated, comprehensive approach to handling all cases involving children and families; and

Whereas, it is necessary to establish procedures which will effectively resolve disputes involving children and families in a fair and efficient manner;

Now Therefore, it is **ORDERED and ADJUDGED** that the attached **Standing Family Law Pretrial Court Order**, and its necessary attachments, shall be used in all family law cases in the Fourteenth Judicial Circuit.

DONE and ORDERED in Chambers at Panama City, Bay County, Florida this 19 day of January, 2010.



JUDY M. PITTMAN, CIRCUIT JUDGE
Administrative Family Law Judge



HENTZ MCELLEN
CHIEF JUDGE

**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY**

Petitioner

vs.

Case No: _____

Respondent

**STANDING FAMILY LAW
PRETRIAL COURT ORDER**

It is in the best interest of the parties in a family law case to learn about their duties and responsibilities and that the parties preserve their assets and comply with court rules. This Order is entered for the purpose of economically and expeditiously resolving initial dissolutions of marriage, supplemental proceedings for modification and other proceedings in which parenting issues are raised. It is therefore, **ORDERED** as follows:

1. SERVICE, APPLICATION, AND TERM OF THIS ORDER:

1.1 This Standing Family Law Pretrial Court Order shall be utilized and complied with immediately upon filing of this action, except in cases where there is a written agreement by the parties to the contrary before or after this order takes effect.

1.2 The Clerk of Court shall docket and provide a copy of this Standing Family Law Pretrial Order to the Petitioner or to the Petitioner's counsel at the time the Petitioner files the original or supplemental petition.

1.3 In addition, the Petitioner shall deliver a copy of this Order to the process server to be served on the Respondent with the original petition or supplemental petition.

1.4 This Order is binding on the Petitioner upon the filing of this action and on the Respondent upon service of this order. The party serving the order shall complete a Certificate of Service for Standing Family Law Pretrial Court Order (see Attachment "A").

1.5 This Order shall not supercede or modify any existing domestic violence injunction or other order by a court having jurisdiction over the parties or minor children concerning these matters.

1.6 This Order shall remain in full force and effect until further order of the Court such as the entry of a final judgment, a dismissal of this cause, or until the entry of a subsequent temporary order, whichever shall occur first. This Order does not preclude a Judge from modifying or amending this Order in individual cases where the Judge deems necessary. Any part of this order not changed by a subsequent order shall remain in effect.

2. CONTACT WITH BOTH PARENTS; SHARED PARENTING:

2.1 It is the law that the Court order shared parental responsibility for the care and rearing of the children, unless the court makes a specific ruling that such arrangement would be detrimental to the children. Pursuant to Florida Statute 61.046(16), "shared parental responsibility" is defined as a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly. This means that wherever the children are living from time to time, the parents must confer with each other and agree upon all MAJOR parenting decisions. Therefore, both parents must participate in all parenting decisions and immediately attempt to work out their own time sharing schedules. If the parents cannot agree on any issue, then the court will decide. Contact with both parents is in the children's best interests, and children are entitled to frequent and continuing contact with both parents when the parents separate or divorce.

2.2 Further, both parents have an affirmative duty to encourage and nurture a healthy and loving relationship between the children and the other parent. A parent who unreasonably restricts access of the children to the other parent and does not encourage a healthy relationship between the children and the other parent is not acting in the children's best interests and is not following the law.

2.3 Absent a prior order of the court or written agreement of the parties, neither party shall change the residence of the minor children beyond the boundaries of the Fourteenth Judicial Circuit. Neither party may change a child's customary school district, nor daycare arrangement without the written agreement of both parties or an Order of this Court.

2.4 For cases involving a modification of a final judgment, from the date of filing, and until further Order of the Court, the parties shall follow the existing Order. Either party may seek immediate relief.

3. PARENTING EDUCATION AND FAMILY STABILIZATION COURSE:

3.1 Both parents in this matter are required to attend and complete one of the approved Parent Education and Family Stabilization courses. Completion of one of the courses is mandatory for "all parties to a dissolution of marriage proceeding with minor children or a paternity action which involves issues of parental responsibility." Therefore, even if the parties have settled all issues, they each must attend one of the approved courses.

3.2 All parties required to attend an approved class must do so as soon as possible after this action is filed. If a certificate of completion for both parents is not in the court file, the court will not schedule a final hearing, unless waived by the court.

4. PARENTING EVALUATIONS:

4.1 The parties may be ordered to confer with a Mental Health Professional for an independent parenting evaluation pursuant to Florida Family Law Rules of Procedure 12.363 at any time. No final hearing on a disputed significant parenting issue shall be scheduled without a prior evaluation pursuant to Florida Family Law Rules of Procedure 12.363 or a waiver by the court.

4.2 The cost of evaluation shall be an item addressed in the Final Judgment; however, absent an agreement or order of the court each party shall pay one-half of the cost of evaluation pending a temporary hearing or final hearing determination.

5. DISPOSITION OF ASSETS:

During the pendency of the proceeding neither party may sell, conceal, damage, or otherwise dispose of any asset, whether marital or non-marital, and neither party may dissipate the value of an asset, for example, by adding a mortgage to real estate or by failing to take care of an asset. Neither party may dispose of any asset other than in the customary conduct of business and personal affairs. The parties may spend their incomes in the ordinary course of their personal and family affairs. Neither party may conceal, hoard, or waste jointly owned funds, whether in the form of cash, bank accounts, or other liquid assets, except funds may be spent for the necessities of life. The use of marital funds after separation must be accounted for and justified. Both parties are accountable for all money or property in their possession during the marriage and after separation.

6. PERSONAL AND BUSINESS RECORDS/ INSURANCE:

Neither party may, directly or indirectly, conceal from the other or destroy any family records, business records, or any records of income, debt, or other obligations. Any insurance policies in effect at the time the petition for dissolution was filed may not be terminated, allowed to lapse, concealed, modified, borrowed against, pledged, or otherwise encumbered by either of the parties or at the direction of either party. All insurance policies of every kind may not be changed, except by written agreement signed by the parties or order of the court. The parties shall continue to pay all premiums on a timely basis unless there is a written consent by both parties or an order of the court.

7. ADDITIONAL DEBT:

Neither party will incur additional debt which would bind the other party nor tie up any assets, except by written consent of the parties or order of this court. The parties are cautioned to temporarily stop using joint credit cards, except for necessities. Joint credit cards may be used only for the necessities of life, and any party using a joint credit card after separation must be prepared to justify all charges as reasonable and necessary.

8. MEDIATION:

8.1 When an answer is filed in a case and the answer contests any issue in the petition, the parties will be required to seek the services of a Florida Supreme Court Certified mediator to mediate the issues of their case.

8.2 Mediation is an informal and non-adversarial process whereby a neutral third party facilitates a resolution to a dispute between two parties. The objective is to obtain a mutually acceptable and voluntary agreement.

8.3 If the parties cannot agree on the selection of a mediator, upon request of the court, the court will select one for them.

8.4 The mediator and parties shall schedule the mediation conference and within fifteen (15) days of selection or appointment by the court, written notice of the date, time and place of the first mediation conference shall be sent to all parties and the court. Absent good cause, the first mediation conference shall be held within sixty (60) days of the selection of the mediator.

8.5 All parties are required to personally attend the mediation conference and shall be completely prepared to mediate in good faith.

8.6 The parties may be assisted by counsel at the mediation conference; however, if a party is not represented by counsel, the presence of counsel at mediation is not required.

8.7 If a party either fails to appear or cancels a duly noticed mediation conference less than forty-eight (48) hours before, without good cause, the court, upon motion, shall impose sanctions including, but not limited to, an award of mediator and/or attorney's fees.

8.8 The mediator's report shall be submitted to the court within ten (10) days of completion of mediation.

8.9 Upon motion or request of a party, the court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process.

8.10 Mediation is also governed by additional administrative orders.

9. MANDATORY DISCLOSURE:

Both parties must file and exchange financial affidavits and comply with mandatory disclosure pursuant to Florida Family Law Rules of Procedure 12.285.

10. NOTIFICATION OF RELATED CASES:

Attorneys and parties shall notify the court as soon as it becomes evident to them of the existence of any court proceeding in any jurisdiction that may be relevant to the subject matter before the court, affecting custody, visitation, support of a child, and any other issues. A copy of any relevant orders shall be provided to the court. This obligation shall be continuing in nature throughout the proceeding.

11. EMERGENCY MOTIONS:

If either party feels he or she has an "emergency" requiring immediate action, the party or the party's counsel must file a motion for emergency relief and provide notice as required by the Family Law rules of Procedure.

12. TEMPORARY HEARINGS:

At any temporary hearing in which there is a disputed issue of parenting, timesharing or parental responsibility (shared or sole), child support, alimony, or attorney's fees both parties shall comply with Mandatory Financial Disclosure for temporary relief as required under Florida Family Law Rules of Procedure 12.285 (b). Ten (10) days prior to the hearing on a motion for temporary relief, a party seeking relief shall file a "Notice of Specific Relief Requested" and shall include a proposed time-sharing plan, and the amount of child support, alimony and attorney's fees requested.

13. CASE MANAGEMENT CONFERENCES:

13.1 A case management conference may be ordered by the court at any time on the court's initiative. A party may request a case management conference thirty (30) days after service of a petition or complaint. Issues addressed in the conference shall be pursuant to Florida Family Law Rules of Procedure 12.200.

13.2 A fifteen minute pretrial conference shall be scheduled at least thirty (30) days before a final hearing. Twenty (20) days notice shall be given for a pretrial conference. The purpose of the conference shall be for a determination of whether the trial may be simplified or for any other purpose pursuant to Florida Family Law Rules of Procedure 12.200. The Pretrial Catalogue of each party **MUST** be filed no later than 72 hours prior to the conference. Failure of counsel or a party to fully and completely comply with this process may result in the imposition of sanctions.

14. SETTING TRIAL:

14.1 Mediation is required in all cases prior to setting trial unless the court has waived mediation or a default has been entered.

14.2 In cases where there is no parenting issue, a contested final hearing shall not be scheduled until the mediator's report is filed. Once the mediation report is filed, a trial date and pretrial conference date can be scheduled. The pretrial conference and the final hearing cannot be cancelled by either party. Either party may file a Motion for Continuance and a hearing will be held to determine if the request is valid.

14.3 In cases where there are significant parenting issues, a final hearing shall not be scheduled until the mediator's report is filed in the case and a mental health professional's report is filed pursuant to Florida Family Law Rules of Procedure 12.363 or an order is entered waiving mediation or a parenting evaluation.

15. PRETRIAL CATALOGUE:

15.1 If this case is not resolved by mediation or otherwise, no later than seventy-two (72) hours prior to the time of the pretrial conference for the final hearing, a Pretrial Catalogue (see Attachment "B") in compliance with the form referenced in this Order shall be filed by each party and a copy delivered to each party and the trial judge.

15.2 The primary purpose of the Pretrial Catalogue is to provide the court with information for the consideration of a Final Judgment. Any party who applies to the court for a waiver of the Pretrial Catalogue shall make said application and schedule a hearing on the matter for a date **prior to** scheduling the trial (final hearing). Exhibits should not be filed with the court, however, must be delivered to the opposing party at the time of delivery of the Pretrial Catalogue. The purpose of the Pretrial Catalogue is not to present argument. Issues related to the form or substance of a catalogue which has been filed will be addressed at the Pretrial Conference or by prior motion.

16. SANCTIONS:

All parties and counsel must comply with this order. Failure of counsel or a party to fully and completely comply with this order may result in the imposition of sanctions including, but not limited to, cancellation of the trial date with costs assessed to the offending party, the striking of pleadings, the entry of default, or dismissal of this action.

DONE AND ORDERED in chambers at Bay County, Panama City, Florida on this
19 day of January, 2010.


JUDY M. PITTMAN
Administrative Family Law Judge

**ATTACHMENT A
CERTIFICATE OF SERVICE
FOR
STANDING FAMILY LAW PRETRIAL COURT ORDER**

I HEREBY CERTIFY that a copy hereof has been furnished for personal service to

_____ on
this ____ day of _____, 20__.

Party or their attorney (if represented)

Name: _____

Address: _____

City _____, State _____ Zip _____

Fax: _____

Signature of Party signing certificate and pleading

Name: _____

Address: _____

City _____ State _____ Zip _____

Telephone: _____

Fax: _____

**ATTACHMENT B
PRETRIAL CATALOGUE**

The Pretrial Catalogue submitted to the court should contain the following information:

THE MARRIAGE:

1. Date and place of Marriage
2. Date of Separation

THE CHILDREN:

1. Names and ages of the children involved, if any
2. What timesharing arrangement has been in effect since filing of the petition
3. The amount of child support proposed for the children
4. Whether or not the children are presently covered under any medical insurance policy
5. What, if any, special medical problems any of the children may have
6. A suggested timesharing schedule for the non-custodial parent
7. A proposed parenting plan

ALIMONY:

1. Amount of alimony, if any, requested by each party
2. Nature of the alimony; permanent, rehabilitative, lump sum, or a combination of same

PERSONAL PROPERTY:

1. A list of all personal property in controversy
2. Suggested disposition of said property
3. The value of each piece of property showing any lien or obligation against said property, and who is obligated for payment
4. Life insurance policies, if any, and whether said policies are term or whole
5. List of any non-marital property

REAL PROPERTY:

1. A list of all real property in controversy
2. The value of each parcel of property showing any lien or obligation against said property, and who is obligated for payment
3. What interests, right of claim or equitable interest each party claims in each parcel of property
4. Suggested disposition of the property

RETIREMENT PLANS:

1. A list of all retirement plans, pensions, profit sharing, annuity, deferred compensation and/or insurance plans whether they are vested or non-vested
2. The present value of the retirement plans or other benefits
3. What interest, right, claim or equitable interest each party claims in the property
4. Suggested disposition of the plan or benefit

DEBTS:

1. A list of all unsecured debts
2. A list of all secured debts including the security for payment of the debt
3. Suggested disposition of the debts

ATTORNEY'S FEES AND COURT COSTS:

1. The amount of attorney's fees and court costs sought by either party from the other (estimate to conclusion of trial)

MISCELLANEOUS:

1. List of admissions and stipulations to avoid unnecessary proof
2. List of pending motions
3. Request for judicial notice
4. Estimate of time needed for trial (the parties will be expected to complete the trial within the time allotted which the court will equitably allocate between the parties)

ATTACH THE FOLLOWING TO THE PRETRIAL CATALOGUE:

1. Fully executed Financial Affidavit
2. A Child Support Guidelines Worksheet
3. Certificate of Completion of an approved Parent Education and Stabilization Course
4. A proposed chart of equitable distribution
5. Copies of all photographs, exhibits and documentary evidence which the party proposes to use at trial
6. A witness list which provides all names, addresses and telephone numbers