

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR SUMTER COUNTY

Petitioner,

vs.

Case No.: _____

Respondent.

**STANDING FAMILY COURT ORDER
(ACTIONS INVOLVING PARENTING ISSUES)**

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 Family 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 Order to Petitioner or to Petitioner's counsel at the time Petitioner files an original or supplemental petition that indicates there may be child-related issues in dispute.

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

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

1.5 This Order shall not supersede 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, unless the court makes specific ruling that it would be detrimental to the children, that the court shall order shared parental responsibility. Frequent and regular contact with both parents is normally 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, the parent who is or wants to be the "primary residential parent" has an affirmative obligation to encourage and nurture a relationship between the children and the alternate residential parent. A parent who unreasonably restricts access of the children to the other parent and does not encourage a relationship between the children and the other parent, for no good reason, perhaps should

not be designated the "primary residential parent." Such a parent is not acting in the children's best interests and is not following the law.

2.3 The court orders "shared parental responsibility" of the children by the parents. Per Florida Statute 61.046(15), "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 work out their own time sharing schedules. If the parents cannot agree on any issue, then the court will decide.

2.4 While not specifically ordered by the Court at this time, the attached shared parental guidelines (see Attachment "B") and the parents' respect for said guidelines, shall be considered by the Court in future child related matters, such as determination of primary residential responsibility and access and contact with the parties' children.

2.5 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 Fifth Judicial Circuit (Sumter, Lake, Citrus, Hernando and Marion Counties). Neither party may change a child's customary school district or daycare arrangement without the written agreement of both parties or an Order of this Court.

2.6 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 by requesting mediation or a hearing before the Court.

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, no attempts should be made to schedule the final hearing..

4. PARENTING EVALUATIONS:

4.1 The parties may be ordered at any time to confer with a Mental Health Professional for an independent parenting evaluation pursuant to Florida Family Law Rules of Procedure 12.363.

4.2 The cost of consultation for the 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 the consultation pending a temporary hearing or final hearing determination.

5. DISPOSITION OF ASSETS:

Neither party may conceal, damage, or 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 the 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 funds or income after separation must be accounted for and justified as reasonable and necessary for the necessities of the party or to preserve marital assets or pay marital debts. Both parties are accountable for all money or property in their possession during the marriage and after separation. Attorney's fees and costs are necessities and must be accounted for in the calculation of equitable distribution. Nevertheless, neither party may use marital money to consult or retain counsel without leaving an equal sum in the marital accounts for the other party to use in consulting or retaining counsel of his/her own.

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 investments, income, debt, or other obligations. Any insurance policies in effect within six months of 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 both parties or order of this court. The parties are urged to temporarily stop using joint credit cards, except for absolute necessities and only as a last resort. 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. The parties might qualify to use the services of the Sumter County Court Mediation Program which offers the services of certified mediators on a sliding-fee-scale basis.

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, whether a party is represented by counsel or not, 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's 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 may be waived if a default has been entered.

9. MANDATORY DISCLOSURE:

Both parties must file and exchange current, sworn 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 at the time a Petition or Supplemental Petition is filed, or as soon thereafter 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 or matters involving either or both of the parties or any person(s) sharing the same residence as one of the parties. Whether the other case(s) is open or closed, makes no difference. All related cases must be identified to the court. 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, concurrently serve a copy on the other party, and deliver or fax a copy to the court. The court will decide if the matter is an emergency by reviewing the motion. If it is an emergency, expedited hearing time will be given and the moving party shall serve the other party with the Notice of Hearing and the Motion either by facsimile or email, and provide a copy to the court.

12. TEMPORARY HEARINGS:

At any temporary hearing in which there is a disputed issue of parenting, primary residential responsibility (custody), timesharing (visitation), 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 visitation schedule, and/or the specific amount of child support, alimony or 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 In any case in which there is a disputed issue of parenting, custody, visitation, or parental responsibility (shared or sole) after mediation, and in which a mental health professional or custody evaluator has not been appointed pursuant to Florida Family Law Rules of Procedure 12.363, the parties shall begin the scheduling process for a case management conference within five (5) days after a mediation impasse (no agreement reached). At the earliest available time, the court will determine whether a mental health professional or custody evaluator should be appointed pursuant to Florida Family Law Rules of Procedure 12.363 to provide an independent evaluation, or whether an order waiving the appointment should be entered.

13.3 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 (See Attachment C) of each party MUST be filed and served on the other party at least five days 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 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.

14. SETTING TRIAL:

14.1 Mediation is required in all cases prior to noticing the cause at issue (requesting a final hearing) unless the court has waived mediation.

14.2 In cases in which primary residential placement (custody) is not an 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 can file a Motion for Continuance and a hearing will be held to determine if the request should be granted.

14.3 In cases in which primary residential placement (custody) is an issue, a final hearing shall not be scheduled until the mediator's report is filed in the case, Notice of Filing a mental health professional or custody evaluator's report is filed pursuant to Florida Family Law Rules of Procedure 12.363, or an order has been entered waiving the appointment.

15. PRETRIAL CATALOGUE:

15.1 If this case is not resolved by mediation or otherwise, no later than five (5) days prior to the time of the pretrial conference, a Pretrial Catalogue (see Attachment "C") 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. The original shall be filed with the Clerk of the Court.

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 at least ten (10) days before the pre-trial conference. Exhibits should not be filed with the court but must be shared (for inspection or copying purposes only) with 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. DISCOVERY:

All discovery shall be completed ten (10) days prior to trial and shall be allowed thereafter only upon agreement of counsel or upon showing of good cause. If one party requests the deposition of a witness listed in the Pretrial Catalogue and the other party does not cooperate in scheduling the same, the Court shall consider any sanctions, including excluding the witness. The parties shall fully comply with disclosure and discovery provisions of the Florida Family Law Rules of Procedure and the applicable Florida Rules of Civil Procedure, unless waived or modified in writing by the parties pursuant to Florida Family Law Rules of Procedure 12.285(a)(1).

17. COURTROOM CONDUCT AND BEHAVIOR

All courtroom proceedings shall be conducted with dignity, decorum, courtesy and civility. A courtroom is not the place for theatrics, melodrama, or any inflammatory conduct.

17.1 **Dress Appropriately.** Court business is very important. People who do not dress or groom properly might give the wrong impression. Their dress and appearance may show a lack of interest in the case or a lack of respect for the court. Judges may ban persons not appropriately dressed.

17.2 **Speaking and talking.** A court proceeding is not a free-for-all where anyone, parties and lawyers alike, can say whatever they want whenever they feel like it.

Parties may not talk unless they are directed by the Judge or a lawyer to speak, and then they may speak only to the Judge or a lawyer. A party must never talk directly to the other spouse in court. A party who is called as a witness must answer only the questions asked and may not volunteer information or make argument while testifying. Judges may remove from the courtroom anyone, including parties and lawyers, who hinders the orderly conduct of business.

17.3 **Disruptive behavior.** While it is not unusual that parties may be upset when they come to court, all parties are expected to keep their anger and behavior under control in the courthouse and everywhere else. Interruptions, sarcasm and insults will not be tolerated. Do not start arguments with or threaten anyone.

It is improper to make any kind of physical gesture or facial expression that shows sarcasm, disbelief or disrespect.

17.4 **Bounds of Advocacy.** All counsel appearing before the court are expected to read and should adhere to the standards of professionalism set forth in the "Bounds of Advocacy" published by the Family Law Section of The Florida Bar, copies of which may be obtained from The Florida Bar.

17.5 **Appearing in Court without a lawyer.** A "Pro Se" litigant, a party without a lawyer, is not entitled to special treatment or privileges and must follow the same rules of procedure and ethical regulations that govern practicing lawyers.

17.6 **The court must treat a pro se party the same way it treats a lawyer.** Pro se litigants, although not expected to be as skilled and knowledgeable as lawyers, are nevertheless subject to all laws, rules and regulations of a lawyer.

Judges and their assistants are forbidden by law from giving any advice or help to unrepresented parties. Judges and their assistants must remain entirely neutral and impartial. Judges and their assistants also may not give unrepresented parties special treatment.

17.7 **What Judges and their assistants cannot do.** Neither the Judge nor the Judge's assistant can give a pro se litigant legal advice, practice tips or help in preparing court papers. Most questions that ask how to do something cannot be answered by the Judge's assistant or the Judge and should not be asked.

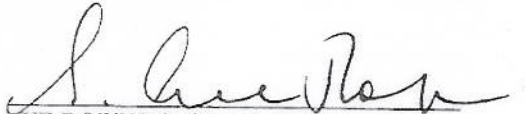
17.8 **Contact with the Judge's office.** A pro se party is authorized to contact the Judge's office by telephone to set hearings on the court's schedule. **Personal visits to the office are discouraged** because it disrupts the working routine in the office. Judicial Assistants assist Judges. It is not their job to advise or assist the parties with their cases.

If any party telephones the Judicial Assistant and persists in talking about unauthorized subjects after being warned, Judicial Assistants are instructed to hang up the telephone. All requests to speak to the Judge on the telephone or have a private conference will be refused. If a party has a matter to be considered, a motion and notice of hearing must be filed in the court file by delivery to the clerk of the court and a copy of the motion and notice of hearing must be sent to the other party or the other party's lawyer, if the other party has a lawyer. Letters should not be written to the Judge. All letters addressed to the Judge—regardless of who they are from—are filed in the court file and copies must be sent to the parties. The Judge can only consider motions filed in the court file, copies of which have been delivered to all other parties in the action with a notice of hearing. Judges can receive evidence about a case only at a hearing in the courtroom with all parties notified of the hearing.

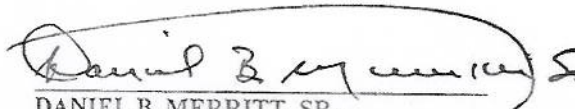
18. **SANCTIONS:**

All parties and counsel must strictly 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 Ocala, Marion County, Florida on this 15 day of January, 2008.


SUE ROBBINS, Circuit Judge
Administrative Family Law Judge

DONE AND ORDERED in chambers at Brooksville, Hernando County, Florida on this _____ day of _____, 2008.


DANIEL B. MERRITT, SR.,
Chief Judge

ATTACHMENT A
CERTIFICATE OF SERVICE
FOR
STANDING FAMILY 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 _____

Fax: _____

ATTACHMENT B
SHARED PARENTING GUIDELINES

The safety, financial security and well-being of the children involved in this case are the Court's primary concerns. Parents must follow the guidelines outlined below.

It is the law, except in certain rare circumstances, that both parents will share parental responsibility for all minor children involved in this case. The law requires parents to share the children's time and to participate together in making all important decisions concerning the children. The law expects parents to put aside their feelings and cooperate on all decisions involving the children. Therefore, parents must recognize the following:

Children have the right to a loving, open and continuing relationship with both parents. They have the right to express love, affection and respect for one parent in the presence of the other parent. The children have the right to have each parent respect their love for their other parent.

Neither parent may alienate a child's affection for the other parent.

Parents must separate any bad feelings for one another from their duties as parents. Their duty is to share the children's time and share in making parenting decisions. Children must be free to draw their own conclusions about each parent, without the prejudicial influences of the other parent.

Children have the right to never hear a parent, a relative, or a friend of a parent run down or degrade the other parent.

Children have the right to be free from guilt because their parents have decided to separate. They are entitled to honest answers to questions about changes taking place in the family makeup.

Parents should never be so preoccupied with their own problems that they fail to meet the children's needs. Separation of the parents usually has a worse impact on the children than on the parents, a fact both parents should never forget.

Each parent should openly, honestly, respectfully and regularly communicate with the other parent to avoid misunderstandings. They should never argue about the children or anything else in front of the children.

Parents should discuss all differences regarding their separation and financial issues between them, and parenting decisions, out of the presence of the children. Both parents should always try to present a united front in handling any problems with the children.

Generally, children have the right to regular and continuing contact with both parents. Parents should arrange all visitations and exchanges together and not through the children. A child—no matter what age—should never be the messenger between the parents.

Visitation plans should be kept and never cancelled unless absolutely necessary. If plans change, children should be given an explanation, preferably in advance and by the parent causing the cancellation.

Common courtesies (politeness, promptness, readiness, calling to notify if one is going to be late, etc.) should always be observed when picking up and dropping off children. These times can be stressful on children, so it is imperative that parents always behave as responsible adults.

Between visits, children should be encouraged to contact the absent parent by letter and phone, frequently and continuously.

Parent/child access and child support, while they are emotionally connected, are *separate and distinct* under the law. Accordingly, a child's right of access to his or her parent is not contingent upon the payment of child support.

A child should *never* be the delivery person for support payments.

Both parents are entitled to participate in and attend all special activities in which their children are engaged, such as religious activities, school programs, sporting events and other extracurricular activities and programs.

ATTACHMENT C
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
3. Attach any pre-nuptial or post-nuptial agreements between the parties.

THE CHILDREN:

1. Names and ages of the children involved, if any
2. What timesharing arrangement has been in effect since separation, and since filing of the petition, if different.
3. The amount of child support proposed for the children
4. Whether or not the children are presently covered under any medical insurance Policy and the monthly cost of such coverage
5. What, if any, special needs any of the children may have
6. A suggested visitation schedule for the non-custodial parent
7. The total monthly cost of any child care used on a regular basis.
8. Itemized, average expenses, if any, involved in maintaining a long distance relationship between the children and both parents.

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 and the name(s) on the title, if any
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. Include fair market value of any equity in non-marital assets.

REAL PROPERTY:

1. A list of all real property in controversy. Include the name(s) on the title to the property.
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, and identify which party is the owner
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 and in whose name each debt was incurred
2. A list of all secured debts including the security for payment of the debt. Identify the name(s) on the debt and the name(s) on title to the security.
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)
2. Identify all motions filed by the parties that requested attorney's fees and/or costs for which the Court reserved jurisdiction to determine.

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. A current, fully executed Financial Affidavit
2. A current and completed Child Support Guidelines Worksheet
3. Certificate of Completion of an approved Parent Education and Stabilization Course
4. Copies of all photographs, exhibits and documentary evidence which the party proposes to use at trial
5. A witness list which provides all witnesses' names with current mailing and physical addresses and telephone numbers, and a description of the general nature of each witness's anticipated testimony.