



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

ADMINISTRATIVE ORDER # 2004-01-01

RE: STANDING FAMILY LAW PRETRIAL COURT ORDER

Whereas, Rule 2.050 (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 2.050 (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 Bay County.

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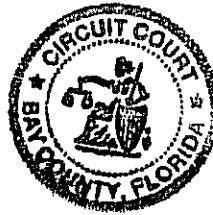
DONE and ORDERED in Chambers at Panama City, Bay County, Florida this 7 day of July, 2004, effective July 2, 2004, nunc pro tunc.

Deedee S. Costello

DEEDEE S. COSTELLO, CIRCUIT JUDGE
Administrative Civil/Family Law Judge

Judy M. Pittman

JUDY M. PITTMAN, CHIEF JUDGE



A CERTIFIED TRUE COPY
HAROLD LAZZEL CLERK
OF THE CIRCUIT COURT
By *Nanda Maddox*
Deputy Clerk

ATTACHMENT A

**STANDING FAMILY LAW
PRETRIAL COURT ORDER**

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 dissolution of marriage cases, supplemental proceedings for modification and other proceedings in which parenting issues are raised. It is therefore, **ORDERED** as follows:

1. CONTACT WITH BOTH PARENTS; SHARED PARENTING:

1.1 It is the law that, in general, contact with both parents is in the children's best interests, and that children have "frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities and, joys, of child rearing (i.e., subsection 61.13 (2) (b) (1), Florida Statutes)."

1.2 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 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, **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.

1.3 In nearly all cases, the court orders "shared parental responsibility" of the children by the parents. This means the parents must confer with each other and agree upon all parenting decisions. Therefore, both parents must participate in all parenting decisions and immediately work out their own timesharing schedules. Absent an agreement of the parties or prior court order as set forth in paragraph six (6), timesharing during the pendency of this action, and until further Order of the Court, shall be equal with each parent cooperating to facilitate each parent

Bay County Family Law Pretrial Order

having the children fifty percent (50%) of the time so long as both parties reside within the Fourteenth Judicial Circuit. Either party may seek immediate relief.

1.4 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.

2. PARENTING EDUCATION AND FAMILY STABILIZATION COURSE:

2.1 Both parents in this matter must attend and complete one of the approved 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.

2.2 Both parents must attend an approved class 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.

3. PARENTING EVALUATIONS

3.1 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 parenting issue shall be scheduled without a prior evaluation pursuant to Florida Family Law Rules of Procedure 12.363 or a waiver.

3.2 The cost of consultation shall be an item addressed in the Final Judgment; however, each party shall pay one-half of the cost of consultation pending a temporary hearing or final hearing determination.

4. FAMILY MEDIATION PROGRAM

4.1 When an answer is filed in a case and the answer contests any issue in the petition, an "Order to Mediation" will be entered in the case. The parties will either select a private mediator to mediate the issues of their case, or they may apply for assistance through the Bay County Family Mediation Program.

4.2 After the parties have received an "Order to Mediation," if the parties choose to hire a private mediator, they must file a "Notice of Selection of a Mediator" with the court. If either of the parties chooses to seek financial assistance through the Bay County Family Mediation Program, they must file a "Motion for Financial Assistance in Mediation" along with a completed financial affidavit, if not previously filed.

4.3 The first mediation conference held pursuant to this Order shall occur no later than sixty (60) days from the date of the selection or appointment of a mediator.

Bay County Family Law Pretrial Order

4.4 The mediator selected herein shall schedule the mediation conference and shall, within fifteen (15) days of being selected or appointed by the court, send notice to all parties and the Court, in writing, of the date, time and place of the first mediation conference.

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

4.6 The parties may be assisted by counsel at the mediation conference, but the presence of counsel at the mediation is not required.

4.7 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.

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

4.9 Mediation may be waived if a default has been entered.

5. 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.

6. 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.

7. 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, 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 reading the motion. If it is an emergency, expedited hearing time will be given.

8. TEMPORARY HEARINGS:

At any temporary hearing in which there is a disputed issue of parenting, primary placement (custody), timesharing (visitation), or parental responsibility (shared or sole), both parties shall comply with Mandatory Financial Disclosure for temporary relief as required under Florida Family Law Rules of Procedure 12.285 (b).

Bay County Family Law Pretrial Order

9. CASE MANAGEMENT CONFERENCES:

9.1 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.

9.2 In any case in which there is a disputed issue after mediation of parenting, custody, or visitation, or responsibility (shared or sole) issues and in which a Mental Health Professional has not been appointed pursuant to Florida Family Law Rules of Procedure 12.363, the parties shall schedule within five (5) days after a mediation impasse (no agreement reached), a case management conference with the Court at the earliest available time to determine whether a mental health professional 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 be entered.

9.3 A fifteen minute Pretrial Conference shall be scheduled at least thirty (30) days before a final hearing upon the request of either party or upon the Court's own order. 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 prior to the conference.

10. SETTING TRIAL:

10.1 Mediation is required in all cases prior to setting trial unless the Court has waived the mediation.

10.2 In cases which primary residential placement (custody) is not an issue, a contested final hearing shall not be scheduled until the mediator's report is filed in a case and the pretrial conference has been held.

10.3 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, a mental health professional's report is filed pursuant to Florida Family Law Rules of Procedure 12.363 or an order is entered waiving the appointment, and the pretrial conference has been held.

11. PRETRIAL CATALOGUE:

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 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 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

Bay County Family Law Pretrial Order

Pretrial Catalogue shall make said application and schedule the hearing for a date **prior to** scheduling the trial (final hearing). Exhibits shall be attached in the same form and order as described in the following 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.

12. DISCOVERY:

All discovery shall be completed ten (10) days prior to trial and shall be allowed thereafter only upon agreement of counsel and 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).

13. 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.

14. SERVICE AND APPLICATION OF THIS ORDER:

The original will be filed with the court file. The Petitioner shall serve a copy of this order with a copy of the petition (See Attachment B). **This order is binding on the petitioner upon the filing of this action and shall become binding on the respondent upon service of the order.** This order shall remain in effect until further order of the court. Any part of this order not changed by some later order remains in effect. This entire order will terminate once a final judgment is entered.

and
De DONE AND ORDERED in chambers at Bay County, Panama City, Florida on this
day of *July*, 2004.



Dedee S. Costello,
Administrative Civil/ Family Law Judge

**CERTIFICATE OF SERVICE
FOR
STANDING FAMILY LAW PRE-TRIAL 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: _____

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. Suggested visitation schedule for the non-custodial parent.
7. 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 if 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 completed 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.