

DIVISION U FAMILY REQUIREMENTS AND PROCEDURES

ALL PROPOSED FINAL JUDGMENTS/ORDERS ARE TO BE SUBMITTED VIA THE E-PORTAL

COMMUNICATION WITH THE COURT:

Telephone

Please review these *Requirements and Procedures* before contacting the Judicial Assistant at 239-533-2822 to avoid unnecessary questions.

Email for Hearing Requests

Hawthornehearings@ca.cjis20.org - The subject line should contain the case number and relevant matter: 00DR5461- 15-minute hearing request (example)

For further hearing request requirements, see below *Scheduling Hearings*

All e-mail shall comply with rules regarding *ex parte* communications.

Pro Se litigants must follow the Twentieth Judicial Circuit's rules for *Pro Se* parties, which are available at: [Pro Se Litigant](#)

Mail

Division U, 1700 Monroe Street, Ft. Myers, FL 33901

Correspondence to the Judge from a party is considered ex-parte communication and cannot be read by the Judge. Do not mail letters or directly email the Judge. Do not mail original documents to the Judge's office for filing. Proposed orders submitted by mail to the Court where there has not been a prior hearing must include a stipulation or cover letter informing the Court that the proposed order has been reviewed and approved by opposing counsel and must include sufficient copies for conforming and self-addressed, stamped envelopes.

Inquiries About Cases

Before contacting the JA about the status of a case or pending order, attorneys and their staff should consult the Clerk of Court's record.

Domestic Violence/Injunction Cases

All correspondence, pleadings and/or questions relating to an Injunction case should be directed to the DV Unit and **NOT** to the Judge's Office. You may call the DV Unit at **239-533-2884** or visit the DV Unit in person on the 3rd floor of the Lee County Justice Center.

Unsolicited Communications

Unsolicited communications from non-parties will not be read by the Court.

LOCAL RULES AND STANDARDS OF PROFESSIONALISM

All attorneys and *Pro Se* litigants must follow the Local Rules and Twentieth Judicial Circuit's Standards of Professionalism, which are available on the Internet at www.ca.cjis20.org. Unprofessional conduct before the Court will be handled by the Court, including referrals to the local Professional Committee or the Florida Bar.

COURTROOM ETIQUETTE (WHETHER IN PERSON OR VIRTUAL)

All counsel, parties, witnesses and other person in the courtroom shall comply with the Standards of Courtroom Decorum as set forth in the Administrative Order No. 2.13, which may be found online at [AO 2.13 PDF](#)

INFORMATION FOR SELF-REPRESENTED (PRO SE) PARTIES

- Judges and the Judicial Assistant may not give legal advice, including any advice or direction regarding the preparation of court papers.
- Judges may not have any one-sided communication with any party. Requests to speak privately with the Judge will be declined.
- Do not send letters directly to the Judge.
- Judges and the Judicial Assistant must remain neutral and impartial.
- A party without a lawyer is not entitled to special treatment and must follow the same rules or procedures, rules of evidence and laws that govern lawyers.
- Pro Se Parties may visit the office of Lee County Family Court Services, 1700 Monroe Street, Ft. Myers, FL 33901 or call 239-533-2747 for assistance in family law matters. Individuals are advised that Family Court Services staff does not represent them in their case and legal advice cannot be given.

PARENTING CERTIFICATES

Both parties are required under Florida Statute 61.21 to attend and complete a 4-hour DCF approved Parent Stabilization Course, which is required when any timesharing/parental responsibility is being sought by court Order. For Division U cases, the course may be taken only in person. Each parent is required to file their respective Certificate of completion with the court. This includes paternity actions.

CASE MANAGEMENT

Case Management is utilized for the facilitation and progression of the cases. Parties are required to attend and participate in the Case Management process.

SCHEDULING HEARINGS:

File Motion(s)

All motions must be filed with the Clerk prior to requesting hearing time. The motion must be visible in the electronic file, prior to requesting hearing time. Do not email for hearing time until the motion has been scanned into the file and appears in the Clerk of Court's electronic file.

Notice of Hearing

A *Notice of Hearing* must be filed after reserving hearing time through the JA. The Notice must conform to the Twentieth Judicial Circuit's Standards of Professionalism. Please reference the date the pending motion was filed with the Clerk.

Scheduling of Hearings

Hearings are scheduled only by email correspondence to the JA. Hearing requests must include the case number, parties' names, pending motion(s) and date the motion(s) was filed and the length of hearing time requested. Please reference the case number and time requested in your subject line.

Hearings 60 minutes or less

All hearings 60 minutes in length or less will be placed on the Court's "regular" motion calendar. Back to back slots will *not* be reserved to obtain additional hearing time.

Time Reserved

Hearings are limited to the time reserved. The parties opposing the motion are entitled to equal time. Accordingly, the party reserving and scheduling the hearing shall confer with opposing counsel and agree to the actual time requested.

No Piggybacks, Cross Notices or Substitutions

Once a motion has been set for hearing, additional motions may not be "crossed-noticed", "piggy-backed" or substituted during the time reserved for the original motion without express consent of opposing counsel and the Court. *The scheduling party should be contacted for consent before seeking the Court's approval to add additional motions.*

Canceling Hearings

Please notify the Court of cancellations as soon as possible to make that time available for other hearings. A Notice of Cancellation of Hearing must be filed with the Clerk and a courtesy copy of the Notice provided to the Judicial Assistant via email. Your hearing will not be cancelled on the judge's docket until the Judicial Assistant is in receipt of the courtesy copy.

SPECIFIC MOTIONS AND HEARINGS:

Emergency, Expedited or Urgent Motions

All Emergency, Expedited or Urgent motions must be filed with the Clerk and a filed copy must be brought to Family Court Services. Please do NOT email the JA on these type of motions to request hearing time.

Motions for Rehearing or Reconsideration

- All motions for Rehearing, Reconsideration, Clarification or New Trial must be filed within the time of the filing of the Final Order or Judgment, Pursuant to Rule 12.530 Fla. Fam. L.R.P.
- The moving party must file the original motion with the Clerk; provide a copy to opposing counsel and the Court by email.
- The Court may direct opposing counsel to file a written response.
- After reviewing the motion and response, the Court will determine whether a hearing is necessary.
- The motion and response must contain the entire argument and all authority in the event the Court does not set a hearing.

Substitution of Counsel

Pursuant to Fla.R.Jud.Admin. 2.505(f)(2), stipulations for substitution of counsel must be signed by both attorneys and the client.

Motions for Withdrawal of Counsel

Pursuant to Fla.R.Jud.Admin. 2.505(f)(1), motions to withdraw must be set for hearing with notice to all parties including the client and opposing counsel.

In lieu of a hearing, the moving attorney may submit the following to the Court:

- A cover letter advising the Court that opposing counsel has been contacted and has no objection to the motion to withdraw; AND
- A stipulation to withdraw signed by both the attorney and the client; AND
- A proposed order allowing the withdrawal which must include the physical address where the client may be served at a later date (no post office boxes); please include sufficient copies for conforming and self-addressed, stamped envelopes.

Motions for Relocation

Relocation hearing requests are time sensitive. When a Motion for Relocation is filed, counsel must simultaneously provide a copy of the motion to the Court and contact the Judge's office for hearing time. Requests must be timely made if statutory hearing time is requested.

Motions for Temporary Relief

Prior to setting a Motion for Temporary Relief, the parties **must** attend a 45-minute case management conference. Parties must comply with Florida Family Law Rule 12.285 prior to setting a case management on their Motion for Temporary Relief. The parties have the option to attend mediation to address their motion instead of a 45-minute case management conference. Please contact the Lee County Mediation Office at 239-533-3353 should you wish to schedule mediation.

Motion for ZOOM Attendance

Pursuant to Fla.R.Jud.Admin 2.530, attorneys are allowed to appear via zoom for any **NON-EVIDENTIARY hearing less than 15 minutes** in length.

The following procedure is required for attendance zoom a hearing

- File a motion or stipulation
- Set your motion for hearing well in advance of the hearing, if disputed.
- If the parties enter into a stipulation, file the original, notify the Judge's office and submit a proposed order via the e-portal.

See Florida Rules of Judicial Administration 2.530

Motions to Continue

All Motions must be in writing. It must also include a specific reason for the continuance and absent good cause, shall be signed by the party. They must be scheduled for a hearing or a Stipulation must be entered into on which signatures of both legal counsel AND their clients are required.

See Rule 12.460 Fla. Fam. L.R.P. and Florida Rule of Judicial Administration 2.545(e).

Post Judgment Motions

All post judgment motions **MUST BE MEDIATED** before a request for hearing time is made. The exceptions are Motions for Rehearing, Motions for Clarification and Motion for Attorney's Fees, if previously reserved by the Court.

NOTICE FOR TRIAL

Mediation **MUST** be completed and a Mediation Report of impasse filed with the Clerk before counsel can submit a Notice for Trial. The mediator's report must be on file indicating a partial or full impasse- mediation must have occurred within **six (6) months** or the parties must remediate prior to trial. The Notice for Trial must comply with Family Law Rule 12.440 and Florida Rule of Civil Procedure 1.440 and describe: the type of case to be tried, the specific issues to be tried and the total time it will take parties to present their case. The Notice of Trial should be filed with the Clerk.

SUBMITTING PROPOSED FINAL JUDGMENTS/ORDERS VIA THE E-PORTAL

Following a hearing, the Court may ask the prevailing party to submit a proposed order through the Court's E-Portal. Proposed order must be in Word format, accompanied by a cover letter, with opposing party copied in your cover letter. Attaching documents/exhibits is the responsibility of the attorney submitting the order so that the order with attachments is sent to the portal as one comprehensive document or instrument.

- Please do not submit a proposed order until all parties have reviewed and approved the proposed order. When submitting a proposed order to the Court, it must be accompanied by a cover letter and the accompanying cover letter should cite the hearing date and state that all counsel have approved the order. If the parties disagree, the points of disagreement should be set forth in detail.
- Please do not send proposed orders that have not been reviewed by opposing counsel with a request for the Court to hold an order. The Court will not hold orders for a period of time in order to obtain approval from opposing counsel.

Following a hearing or a trial, the Court may ask counsel to submit a proposed order to the Judicial Assistant electronically, in a modifiable format. Please provide the order in *WORD format* to allow for editing. Please ensure opposing counsel is copied in your email when submitting your proposed order to the Court. **This is the only time a proposed order should be emailed to the Court. All other orders should be submitted through the e-portal.**

All cases that have not been to trial should submit their proposed Final Judgment with a cover letter to the e-portal and follow the requirements as stated in this section.

Please note: all proposed orders and Final Judgments submitted through the e-portal to Judge Hawthorne for her review must contain the certificate of service with all parties names and email addresses for serving. If there is not an email address on the record for a party, then your order must contain the party's name and current mailing address.

PRE-TRIAL/TRIAL REQUIRMENTS

See example under Judge Hawthorne's downloads

Mandatory Meeting Before Trial: The attorneys for the parties are directed to meet together by agreement, initiated by counsel for the Petitioner, no later than **10 days** before trial to:

- a) Identify all exhibits and prepare a chronological exhibit list for use by the clerk and the Court at trial (actual exhibits and documentary evidence shall be available at this time).
- b) Identify and prepare a list of documents, facts, or other items as provided in F.S. 90.201, 90.202 and/or 90.203 which will be the subject of a request for judicial notice for use by the clerk and the Court at trial (any document which is subject of a request for judicial notice shall be available for inspection at this time).
- c) Agree to admit or not admit evidence and list specific objections, if any.
- d) Stipulate to matters (including documents) of which the Court should take judicial notice as provided in F.S. 90.201, 90.202 and/or 90.203.
- e) Stipulate to any matter of fact or law about which there is no issue in order to avoid unnecessary proof, i.e., chain of custody or records custodian.
- f) Review all depositions, which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence.
- g) Discuss the possibility of settlement.
- h) Discuss and complete any other matters, which may simplify the issues or aid in the speedy and efficient disposition of this action at trial.
- i) Failure to file the pre-trial stipulation or acknowledgement in accordance with the trial order may result in the trial being cancelled.
- j) Please be advised that any issue regarding attorney fees and costs will be heard at trial. Therefore, you must be prepared to present all evidence in regards to at attorney fees and costs at trial. If the parties requesting that the Court reserve on any issue concerning attorney fees and costs, a motion must be filed and heard prior to the trial date.
- k) The parties shall attend and complete mediation prior to the trial date.

The Petitioner is required to file with the Court no later than 48 hours prior to trial either:

1. A pre-trial stipulation listing the facts and evidence that are agreed upon and which is signed by both or attorneys, or
2. An acknowledgement that the attorneys have completed their pre-trial meeting without stipulation.
3. **FAILURE TO COMPLY WITH THE TRIAL ORDER MAY RESULT IN THE TRIAL BEING CONTINUED.**

Exhibits:

1. Must be bound in advance of trial to avoid loss of parts or pages.
2. Number of Exhibit copies: four; a copy to be filed with the Clerk, a courtesy copy for the Court to use for notations and a copy for each party.
3. Exhibits should be marked for identification BEFORE the trial to save valuable Court time
4. Your courtesy copy for the Court must be in paper format. Do not email your exhibits to the Judicial Assistant as we are unable to produce them in paper format.

MAGISTRATE AND CHILD SUPPORT HEARING OFFICER PROCEEDINGS

In addition to the below requirements, please refer to the additional requirements:

Division U Family Law Magistrate Christopher Whitney

[Lee County Magistrate Downloads](#)

https://www.ca.cjis20.org/pdf/gm_lee_2.pdf

DOR Child Support Hearing Officers Matthew Henry and Howard Atkin

Office Phone number: 239-533-3322

Please direct all inquiries to this office in regards to Department of Revenue (DOR) Child Support Enforcement cases, including but not limited to: telephonic hearing requests, Supplemental Petitions for Modifications of Child Support, motions in need of a hearing and already scheduled hearings.

Other Family Court Related Petitions regarding:

- Stepparent Adoptions/Adoptions Of Adult
- Temporary Custody Of Minor Child(ren) By Extended Family
- Change Of Name Adult/Family/Minor Child(ren)

To obtain Florida approved family law forms visit the Florida Court Self Help website at: www.flcourts.org or for assistance with filing the proper forms, you may visit the

Office of Family Court Services, 3rd floor, Lee County Justice Center, 1700 Monroe Street, Ft. Myers, FL 33901

Please note: The Court requires a copy of the minor child(ren) or adult(s) certified birth certificate to be filed in every adoption case.

IWO / IDO's / QDRO's

Please submit your IWO/IDO/QDRO through the e-portal with a cover letter. **Do not email them to the JA.**

Your cover letter should specifically indicate the Order or Final Judgment and its date of filing that your proposed IWO/IDO/QDRO is generated from. It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to Statute.

Helpful Phone Numbers

- Magistrate's Office: 239-533-3343
- DOR Child Support Hearing Officers: 239-533-3322
- Family Court Services/Case Management: 239-533-2747
- Domestic Violence: 239-533-2884
- Mediation: 239-533-3353
- Clerk of Court: 239-533-5000

Helpful Links

- Download Family Law forms at: www.flcourts.org
- E-file paperwork under your case number at: www.myflcourtaccess.com
- Monitor your case at: www.leeclerk.org