

DIVISION N 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 239-533-2500 to avoid unnecessary questions.

Fax

Please contact the Judicial Assistant for permission to fax documents.

Email for Hearing Requests

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

For further hearing request requirements, see page 3: *Scheduling Hearings*

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

Pro Se litigants should only email with the Court's or the JA's permission. *Pro Se* litigants must follow the Twentieth Judicial Circuit's rules for *Pro Se* parties, which are available at: [Pro Se Litigant](#)

Mail

Division N, 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 to 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 at the Clerk of Court in person on the 2nd 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](#)

The following standards apply:

- Parties/attorneys argue to the Court, not with each other.
- Cell phones, pagers, etc. must be turned off before entering the courtroom.
- No recording of any kind is permitted in the courtroom at any time.
- No talking during proceedings.
- No chewing of gum or tobacco.
- No electronic cigarettes.
- No shorts or beachwear.
- No hats or sunglasses.
- No children in the courtroom without prior Court approval.

Attorneys and litigants are expected to arrive on time and be ready to address their case(s).

Cell phones may only be used in Court with the Court's permission (e.g., attorneys checking their calendars). The bailiff will confiscate cell phones used without the Court's permission.

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 N 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 Motions

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.

Hearings greater than 60 min

All hearings greater than 60 min in length will be placed on the Court's "extended hearing" calendar. *A Request for Extended Hearing* must be filed with the Clerk. The Request must specifically indicate the motion(s) to be heard, the date the motion(s) was filed and the length of hearing time requested. *After* your Request has been filed and is visible in Odyssey, please bring it to the JA's attention. The Request will be reviewed for placement on the Court's next available Docket Sounding. Parties must appear at the Docket Sounding for the Court to assign an extended hearing date.

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 Piggy-Backs, 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 canceled 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.

Telephonic Attendance

Pursuant to Fla.R.Jud.Admin 2.530, attorneys are allowed to appear telephonically for any non-evidentiary hearing less than 15 minutes in length

The following procedure is required for attendance by phone at 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 and provide a copy to the Judge's office with a proposed order, copies to conform and self-addressed, stamped envelopes.
- The Court initiates the call when ready. The attorney must provide a phone number to the Judge's office, as well as on the Notice of Hearing where the party can be called.
- If the hearing is an evidentiary hearing, a party appearing telephonically must have a notary public present with them to identify them (photo I.D. required) and place them under oath.

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. Trial continuances WILL NOT be heard at Docket Sounding. 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.

MOTIONS/STIPULATIONS TO ABATE

If you are seeking an Abatement by way of motion or stipulation, the Court requires that you state the reason for such request in your motion or stipulation. The Court requires a hearing for a proposed Abatement greater than 90 days.

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 N for 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.**

INCOME WITHHOLDING ORDERS/IDO FOR THE COURT'S CONSIDERATION

Please submit your IWO/IDO through the e-portal with a cover letter. Your cover letter should specifically indicate *the Order or Final Judgment and its date of filing that your proposed IWO/IDO is generated from. Please indicate the page number and/or paragraph within the Order/Final Judgment for the Court to make reference to your proposed IWO/IDO.* It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to Statute.

EX PARTE ORDERS

An ex parte order is one that is entered without notice to the opposing party and without an opportunity to the opposing party to be heard before the order is entered. In most cases, an ex parte order may violate due process of law, and orders that violate due process are void, unenforceable, and a nullity. Nevertheless, the law does allow ex parte orders in some situations, e.g., F.S. §741.30(5)(a), which allows an ex parte injunction to be entered for protection against domestic violence. Motions for an ex parte order must contain specific citations to the legal authority that gives the judge the authority to enter an ex parte order in the situation alleged in the motion. Without such legal citations, ex parte relief may be denied. Strict compliance with Rule 1.610, Rules of Civil Procedure, is required.

PRE-TRIAL/TRIAL REQUIRMENTS

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 15 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.

Updated Financial Affidavits: Updated Financial Affidavits must be filed no later than 15 days prior to trial.

Exhibits:

- a. Must be bound in advance of trial to avoid loss of parts or pages.
- b. Number of Exhibit copies: 4; a copy to be filed with the Clerk, a courtesy copy for the Court to use for notations and a copy for each party.
- c. Exhibits should be marked for identification BEFORE the trial to save valuable Court time.
- d. 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. You must mail or hand-deliver the Court's copy at least 5 business days in advance of a hearing or trial.

MAGISTRATE AND CHILD SUPPORT HEARING OFFICER PROCEEDINGS

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

Division N Family Law Magistrate Christopher Whitney

[Lee County Magistrate Downloads](#)

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

Referrals in General

No motion for referral is required, though the moving party must submit an

Order of Referral to the Magistrate that specifically sets forth the Issues to be addressed.

“Blanket” referrals will not be accepted. *Orders of Referral to the Magistrate* may be found on the Circuit's website on the **[Magistrate Downloads](#)**

When submitting a completed *Order of Referral to the Magistrate* to the Court for consideration, the following is required in hardcopy form: one (1) as the “original”; in addition, please include one (1)

“copy” for Magistrate **and** sufficient copies for conforming to all counsel/self-represented with self-addressed, stamped envelopes to all counsel/self-represented.

Required Referrals

In the absence of an Objection to Referral to Magistrate on file, any or all Family Law matters may be referred to the magistrate by an Order of Referral to the Magistrate, except Domestic Violence, Dependency Adjudication, and Chapter 39 Termination of Parental Rights.

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.

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 original should be filed with the Clerk and a hard copy of the Notice for Trial and the Mediator’s Report must be provided to the judge’s office.

STEPARENT ADOPTIONS/ADOPTIONS OF ADULT

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)’s or adult’s certified birth certificate to be filed in every adoption case. The Court requires a hearing for all Petitions for Adoptions- this includes uncontested Stepparent Adoptions.

TEMPORARY CUSTODY OF MINOR CHILD (REN) BY EXTENDED FAMILY

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)’s certified birth certificate to be filed in temporary custody cases involving minor child(ren). The Court requires a hearing for all Petitions For 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)'s certified birth certificate to be filed in name change cases involving minor child(ren).

HELPEFUL 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