**PROCEDURES FOR SCHEDULING HEARINGS BEFORE THE MAGISTRATES**

1. **Temporary Needs and Faculties**

Attorneys may call 904-255-1180 between the hours of **10:00 a.m. and 2:00 p.m.** Monday through Thursday in order to schedule a hearing on temporary needs and faculties with the Magistrate. A General Magistrate’s Assistant (GMA) will schedule the hearing while both attorneys and/or their assistants are on the phone. You may be asked to leave a message; if so, the attorney may expect a returned phone call.

**Before calling** to schedule a hearing, the attorney **MUST:**

1. **Have actually filed an appropriate pleading or motion requesting relief;**
2. **Have already served the opposing party;**
3. **Have already filed a financial affidavit on behalf of his/her client (if any financial relief is being sought, including attorney’s fees);**
4. **Have the opposing party’s attorney office on the phone; and**
5. **Have his/her calendar in front of him/her.**

If the Court docket does not indicate service of process, then the attorney requesting the hearing must fax proof of service of process to the GMA prior to scheduling a hearing. Likewise, if the Court docket does not show that a financial affidavit has been filed, then the attorney requesting the hearing must fax a copy of his /her client’s financial affidavit to the GMA prior to scheduling a hearing. The Magistrate’s/GMA’s fax number is 904-255-1227.

**Hearings limited to one Motion may be scheduled for a maximum of 1 hour. Hearings involving Cross Motions may be scheduled for a maximum of 2 hours. Anything in excess of these times must be pre-approved by a Magistrate.**

If it becomes necessary to cancel a hearing, the attorney representing the moving party should fax a notice of cancellation to the GMA **as soon as possible**.

1. **Final Hearings and Post-Judgment Hearings**

Final Hearings and Post-Judgment Hearings are **not** to be scheduled on the Magistrate’s Temporary Needs Calendars. Final Hearings and Post-Judgment Hearings shall be scheduled with each individual Magistrate according to alphabet. Alphabet is based upon the original last name of the original petitioner, not the last name of the moving party. Use the following chart to schedule a hearing:

**A, B, C, Da dial 904-255-1195 Magistrate Frank Akel**

**Db-Dz, E, F, G, H dial 904-255-1214 Magistrate Stacey DeVall**

**I, J, K, L, M, N dial 904-255-1175 Magistrate Natalie Tuttle**

**O, P, Q, R, S dial 904-255-1188 Magistrate Joanna Houser**

**T, U, V, W, X, Y, Z dial 904-255-1192 Magistrate Dianne Misiak**

1. **Obtaining the Order of Referral**

**The Circuit Judge must enter an Order of Referral to the Magistrate. This Order vests the Magistrate/Hearing Officer with jurisdiction to hear only those issues specifically and properly referred by the Circuit Judge. The Order of Referral must be signed by the Circuit Judge prior to the hearing.**

**A HEARING WILL NOT BE HELD WITHOUT AN APPROPRIATE ORDER OF REFERRAL.**

**The Notice of Hearing may be contained within the Order of Referral. Thus, the Order of referral also acts as the Notice of Hearing.**

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,

IN AND FOR DUVAL COUNTY, FLORIDA

 CASE NO.: 16-20\*\*-DR-00\*\*\*\*\*-FM

 DIVISION: FM-\*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*,

 Petitioner,

and

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*,

 Respondent.

**ORDER OF REFERRAL TO GENERAL MAGISTRATE**

**THIS CASE IS REFERRED TO GENERAL MAGISTRATE**  for further proceedings, under Rule 12.490 of the Florida Family Law Rules of Procedure and current administrative orders of the Court. Financial Affidavits, Florida Family Law Rules of Procedure form 12.902(b) or (c), shall be filed in accordance with Florida Family Law Rule of Procedure 12.285.

THE ISSUE(S) REFERRED IS/ARE ALL ISSUES CONTAINED IN THE \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*.

The General Magistrate is authorized to administer oaths and conduct hearings, which may include taking of evidence, and shall submit a recommended order to the court that includes findings of fact and conclusions of law, and the name of the court reporter, if any their telephone number and e-mail address.

The General Magistrate shall assign a time for the proceedings as soon as reasonably possible after this referral is made and shall give notice to each of the parties either directly or by directing counsel or a party to file and serve a notice of hearing.

Counties within the State of Florida may have different rules. Please contact Family Court Services with any procedural questions.

**A REFERRAL TO A GENERAL MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BEFORE A CIRCUIT JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BEFORE THE GENERAL MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER THE SERVICE OF THIS ORDER, THE OBJECTION MUST BE FILED BEFORE THE COMMENCEMENT OF THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST 20 DAYS AFTER SERVICE OF PROCESS, THE TIME TO FILE AN OBJECTION IS EXTENDED TO THE TIME WITHIN WHICH A RESPONSIVE PLEADING IS DUE. FAILURE TO FILE A WRITTEN OBJECTION WITHIN THE APPLICABLE TIME PERIOD IS DEEMED TO BE A CONSENT TO THE ORDER OF REFERRAL.**

If a timely objection is filed by either party, the objecting party must serve a copy of the objection on all parties, the division judge and the general magistrate. This matter shall be returned to the Circuit Judge to which the case is assigned with a notice stating the amount of time needed for hearing.

**SHOULD YOU WISH TO SEEK REVIEW OF THE RECOMMENDED ORDER MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE A MOTION TO VACATE IN ACCORDANCE WITH RULE 12.490(e), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQURIED TO PROVDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR MOTION TO VACATE, OR YOUR MOTION WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS UNLESS WAIVED BY ORDER OF THE COURT PRIOR TO ANY HEARING ON THE MOTION TO VACATE. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPTPREPARED FOR THE COURT’S REVIEW.**

YOU ARE ADVISED THAT IN THIS CIRCUIT ELECTRONIC RECORDING IS PROVIDED BY THE COURT. A PARTY MAY PROVIDE A COURT REPORTER, IF DESIRED, AT THAT PARTY’S EXPENSE.

**ORDERED** on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CIRCUIT JUDGE**

**Copies to:**

Petitioner

Respondent

|  |
| --- |
| **If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at (904) 255-1695 or crtintrp@coj.net, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.** |