

Judicial Practices and Procedures for Division B

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to astrickland@coj.net. The subject line must contain the case number, case name, and relevant matter (e.g., 25DR25 Doss: 2-Hour Hearing Requested.)”
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte

communications and from considering other communications outside the presence of all parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.

- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the Court. Parties may only contact the judicial office according to these practices and procedures.
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** The Judicial Assistant is not authorized to provide legal advice. When the judicial assistant is out of the office, your message will be acknowledged as received with an auto reply message advising when to expect a substantive response and an alternate contact for immediate assistance.
- **Voicemail:** E-mail is the best form of communication with the judicial assistant. If you leave a voicemail, please include the case number, your name, phone number, and a message concerning your call. The Judicial Assistant receives voicemails as emails and returns messages as soon as possible.

B. Scheduling Procedures

- **Court Schedule:** The trial set memoranda, along with available trial dates, are posted on the Judge's webpage at <https://www.jud4.org/ex-parte-dates-judge-s-procedures/nassau-judges>
- **Scheduling Hearings:** Hearings will only be set on motions already filed with the Clerk. All hearings must be coordinated with opposing counsel or party if unrepresented. The party requesting a hearing on any pending motion should contact the Judicial Assistant with all other parties on the line or by email at astrickland@coj.net. Dates provided for hearings are not held and may be given to other cases. It is expected that all counsel will promptly respond to the moving party's attorney with proposed dates received from the Judicial Assistant to facilitate this process. Hearing dates/times are not secured until confirmation is sent from the Court. Once a hearing time is set, no party may add or notice additional matters for that time without the express consent of all parties. The party

requesting the hearing may email the Judicial Assistant, copy the other side, and provide the case number, case style, title of motions and the amount of time requested, only after first conferring with the other side to determine the amount of time that should be allotted for both sides to argue the motion. The Judicial Assistant will reply to all with available hearing dates/times, but should not be copied as the parties discuss their availability. Once a collective preference is determined, the Judicial Assistant should be advised. PLEASE NOTE: Hearing dates/times provided are not held and may be given to others. Hearing dates/times are not secured until confirmation is sent from the Judge's office. It is best for the parties to have a first and second choice of the dates provided. Hearings may also be scheduled by contacting the Judicial Assistant by phone. Please be prepared to provide the case number, the name of the motion to be heard (must be filed prior to calling to set for hearing), and how much time is required for the hearing. Once a hearing has been confirmed, a notice of hearing should be filed that includes the date of filing and the docket number for each referenced motion/pleading. Piggy backing on hearings is not allowed after they are set but related hearings must usually be scheduled together.

- **Notice of Hearing:** A notice of hearing will be filed and served immediately after reserving hearing time. A notice of hearing involving any remote appearance will list the Judge's Zoom credentials. All notices of hearing will contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.
- **Submission Deadlines:** The Court must receive all materials for the hearing no later than three (3) business days before the hearing.
- **Order of Proceedings:** Matters will be heard in the order they appear on the docket.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. A request for continuance must be submitted at least five (5) days prior to the scheduled court date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).
- **Cancelling Hearings:** Only the party setting a hearing may cancel it. Notification of cancellation must be emailed to the Judicial Assistant with a copy to opposing counsel. Cancellation of a hearing MUST be confirmed with and by the Judicial Assistant.
- **Ex parte Hearings:** The Court holds ex parte hearings once per month for only uncontested matters, properly noticed motions to withdraw,

Motions to Set for Trial, and requests to schedule hearings in excess of one (1) hour in all matters with the exception of probate cases. Please refer to Div. B Ex-Parte Dates published separately. A copy of the notice of hearing and any other relevant documents/proposed orders should be emailed to the Court's Judicial Assistant upon filing, or at least three (3) business days prior to the scheduled date as one collective pdf. Motions to set should be accompanied by a completed trial set memo. There are separate forms for civil and family cases. Prior to the hearing for the entry of an uncontested Final Judgment of Dissolution of Marriage, the movant should complete a checklist for consent final judgment. A copy of the form can be found on the above-referenced website. Please note that uncontested divorces may be scheduled for a certain time if the parties so desire in order to afford some privacy. .

C. Remote Appearance

- **Remote Appearance Procedure:** The Court maintains a hybrid virtual courtroom, allowing parties to appear either in person or remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530. Requests to use communication technology for an appearance must be made by motion.
- **Platform Used:** The Court uses Zoom for remote appearances.
- **Platform Meeting ID#:**
- **Zoom for Family and Civil Matters:** Zoom will be the default for scheduled hearings, unless the parties file notice with the Clerk of Court that at least one (1) party intends to appear in person at least three (3) business days before the hearing. Said notice shall also be provided to the Court via email to astrickland@coj.net, and to all other parties by email, if possible.

To appear by Zoom for a hearing before Judge Fahlgren, please use Judge Fahlgren's reoccurring meeting invitation copied below. Please name your Zoom profile accordingly so you can be easily identified by Judge Fahlgren. Anyone not speaking during a hearing should keep their microphone muted to avoid distracting background noise. There is a separate invitation for felony court. Any party or witness appearing by Zoom without the benefit of audio-visual communications shall be in the presence of a Notary Public/Classification Officer for the purposes of being sworn in. Any party or witness appearing by Zoom with the benefit of audio-visual communications should be prepared to display their driver's license or other identification card via video to the Court.

For Zoom hearings involving exhibits, proposed orders, or copies of cases cited, the parties are directed to send these to the Court's judicial assistant, astrickland@coj.net, via email at least three (3) business days in advance of the hearing with copies to all parties who have not been defaulted as is custom and required by the Rules. When the number of pages of the hearing materials exceed 50 pages, hard copies should be provided to the Court at least three (3) business days in advance of the hearing. All deliveries should be sent to Judge Fahlgren's attention at the Robert M. Foster Justice Center in Yulee.

Judge Fahlgren's reoccurring Zoom meeting invitation for family and civil hearings:

<https://zoom.us/j/5789782431>

Meeting ID: 578 978 2431 Password: QjJ0nH

Password details: (Capital "Q" Lowercase "j" Capital "J" "Zero" Lowercase "n" Capital "H")

Dial by telephone: +1 470 381 2552 US (Atlanta)

Passcode: 706394

Find your local number: <https://zoom.us/u/awjlgoQL5>

Appearing via Zoom for Felony Court: Defendants must appear in person for felony hearings, unless given permission to appear via Zoom by the Judge's office. There is a separate Zoom invitation hosted by the Nassau County Jail for first appearance (<https://zoom.us/j/7245497784>). Participants shall name their Zoom profile with their legal names such that they can be easily identified. Defendants appearing remotely by video via Zoom planning to testify should be prepared to furnish the Court with a picture identification such as their driver's license via video. Defendants appearing before the Court without video via Zoom that intend to testify will likely need to be in the presence of a notary public for the purposes of being identified and sworn in.

Judge Fahlgren's reoccurring Zoom meeting invitation for felony court:

<https://zoom.us/j/99223604997>

Meeting ID: 992 2360 4997

Passcode: QjJ0nH

Password details: (Capital "Q" Lowercase "j" Capital "J" "Zero" Lowercase "n" Capital "H")

+1 470 381 2552 US (Atlanta)

Passcode: 880272

Find your local number: <https://zoom.us/u/acpGGH4mWy>

- **Technology Needs:** The Court allows parties to use technology in their

trial and hearing presentations. Counsel is responsible for having any technology set-up and ready to use during the trial or hearing without causing unnecessary delay. Please contact the Court's Information Technology department at <https://www.jud4.org/technology> to coordinate any technological issues in advance of the trial or hearing. The primary evidence presentation equipment available in the courtrooms of Nassau County consists of an Elmo projector and a personal computer with USB drives and disc drives. The personal computers are compatible with laptop computers that have HDMI outputs. Said equipment feeds into a sound system and screens throughout the courtroom. If you would like to schedule a time to test the system, or if you have any additional questions, please send an email to Pat Welsh at PWelsh@coj.net and copy the Court's Judicial Assistant.

D. Submission of Orders and Judgments

Format: All proposed orders must be submitted in Word format. All proposed orders must be accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order. All consent Orders shall include the word "Consent" or "Agreed" in the caption of the proposed Order. The **DONE AND ORDERED** or **ORDERED AND ADJUDGED** (for Final Judgments) clause, along with the Court's signature line, should be on the same page. If the last page contains only the date line and/or Judge's signature line it must have the title of the order and the case number on it also.

Full names and complete addresses of counsel/parties to whom copies are to be provided, including email addresses for the service of pleadings, should be included on the last page ("copies to" section).

The signature line should be right justified, especially for orders submitted through the e-portal

- **Submission Method:** Proposed orders may be submitted to the Court via e-mail with copies to all parties. However, It is the Court's preference that proposed be **submitted via the e-portal**. These submissions go directly to the Court's bench viewer (ICMS) for review and entry. The Court will then e-file the correspondence/cover letter and final order directly from the Court's bench viewer. The Clerk does not receive the submission until processed by the Court. Instructions on how to submit proposed orders via the e-portal and sample forms can be found at <https://www.jud4.org/Proposed-Orders-EFiling.aspx> Below is a brief example of what the Done and Ordered section of the proposed order

should contain. The signature line should be right justified. There is no need to leave any blank spaces before the signature line. Please include the standard “Copies to” section, rather than inserting “CCCC” in place of the parties/counsel’s contact information. The email addresses mailing addresses listed there will be compared to the email addresses checked for service in the Court’s bench-viewer (ICMS). The correct mailing address for pro se’ parties that have not designated an email address should be included in the copies to section. Orders that are not properly formatted, or that do not have accurate “copies to” sections, will be rejected.

DONE AND ORDERED in Nassau County, Florida on DDDD.

JJJJ

Copies to:

John Smith, jsmith@email.com

Jane Smith, 123 Green Street, City, State Zip

- **Competing Orders Arising from Evidentiary Hearings:** It is preferred that **competing** proposed orders arising from matters heard by the Court be submitted by email to the Court’s Judicial Assistant, and that the proposed Order be in Word format. **Whenever reasonably possible, competing orders should be created from the same Microsoft Word document as the opposing party’s initial draft. The competing order shall highlight the requested revisions, and/or a comparison document shall be provided to the Court.** The subject of the email should contain the case number and last name of the parties, and describe the proposed order. The proposed order should be saved as follows:

Case Number (Short Case Style) Party Title of Proposed Order
17DR27 (Smith and Jones) Petitioner’s Proposed Order Granting Motion to Compel

- **Deadline for Submissions:** Proposed orders must be submitted within ten (10) days after any hearing.
- **Order Arising from Evidentiary Hearings:** For orders following an evidentiary hearing, the cover letter should have a copy of the proposed order attached. The copy should be marked “proposed order.”
- **Proposed Orders Granting Motions To Withdraw:** In addition to the standard language in a proposed Order Granting a Motion to Withdraw, counsel should include the following language, “All unrepresented parties shall be treated as reasonably competent counsel as required by Florida law, and are strongly encouraged to sign up for the e-portal at <https://www.myflcourtaccess.com/default.aspx> so as not to be disadvantaged relating to prompt notice of documents filed and

hearings set,” and “All unrepresented parties shall file a designation of email address with the Clerk of Court and register for email service with the Florida Court’s E-filing Portal at www.myflcourtaccess.com forthwith, if they have not already done so. A sample designation of email address can be found at the link copied below.

<https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida/Family-Law- Forms/Current-Address-12.915-Form/Designation-of-Current-Address-and-E-mail-Address>”

Counsel may also include language reminding the counsel that has withdrawn to remove themselves from the e-portal’s service list.

Instructions to do so can be found here,

<https://www.clerk.org/pdf/RemovalOfEmailAddress-NoLongerAttyOnCase.pdf>.

For Family Law cases, the copies to section should also include Family Court Services, attention Michele Johnson (emjohnson@coj.net).

- **Self-Addressed Stamped Envelopes:** In the event that any interested party cannot be served through the Florida Court’s E-Filing Portal, please send a blank stamped envelopes to reimburse the Court as the Court will mail conformed copies to third parties and pro se’ litigants upon entry of the order.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law must be submitted to the Court for any evidentiary proceeding. There is no other need for courtesy copies, with the exception of verified emergency motions, motions for rehearing, motions to disqualify/recuse trial judge, motions for new trial, petitions for relocation and memorandums of law, and any other filings governed by the applicable rules of procedure. Please ensure originals are timely filed with the Clerk of Court. Notices of hearings should include the title, date of filing, and docket number for each motion or pleading noticed.
- **Format:** PDF or Word document.
- **Submission Method:** Courtesy copies shall be submitted via electronic submission. If the total number of pages exceed 50, hard copies must be provided at least three (3) business days in advance.
- **Deadline for Submissions:** Courtesy copies must be delivered to the Court at least three (3) business days prior to the hearing with copies provided to all other parties at the same time.

- **Exhibits:** Exhibits should be Bates stamped, exchanged in advance of hearings, and emailed to the Judicial Assistant at least three (3) business days in advance of the hearing date with an exhibit list that references the Bates number for each exhibit. They should be sent as one PDF file, or as few PDFs as possible, an index should be included, and the exhibits should be easily identified. Files containing more than five (5) exhibits should include a cover sheet before each exhibit. It is anticipated that those exhibits will be printed for the Court's review. However, it may be necessary for the Court to review them electronically only. If the total amount of pages exceeds 50, hard copies must be provided to the Court well in advance of the hearing.

F. Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.
- **Scheduling:** If the Court determines that an emergency exists, a hearing will be scheduled unilaterally by the Court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.
- **Other Procedures Relating to Emergency and Other Urgent Matters:** (1) Must be a genuine emergency; (2) must be filed with the Clerk of Court, [Rule 1.610 & 12.610(a)]; (3) If seeking ex parte (w/o notice of hearing) you must state an adequate reason why the other party should not be given notice; otherwise (4) due process requires proof of service on the other party; (5) verified/sworn by the movant & signed by counsel. Emergency motions must be emailed to the Judge's Judicial Assistant at astrickland@coj.net upon filing. The email should be marked urgent and the subject should include "Emergency" or "ER." There shall be no ex parte communication concerning this request and (8) after the Judge has reviewed the action, the Judicial Assistant will advise if the motion will be granted without a hearing or notice, denied, granted with a hearing on an emergency basis or for movant to schedule the matter on the next regular calendar date

G. Exhibits for Evidentiary Proceedings

- **Submission Method:** If appearing via Zoom, submit all exhibits electronically by e-mail to the division e-mail account at least three (30

business days in advance of the hearing. If the total number of pages exceeds 50, hard copies must be provided at least three (3) business days in advance

- **Format:** Exhibits must be submitted to the Clerk of the Court in paper format. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the Court, and each party to review during the hearing or trial. Exhibits must be labeled in the following format: 'Petitioner/Plaintiff 1' or 'Respondent/Defendant A.'
- **Deadline for Submissions:** All exhibits must be received in chambers three (3) business days before the evidentiary proceeding.
- **Other Procedures Relating to Exhibits for Evidentiary Proceedings:** Exhibits should be Bates stamped, exchanged in advance of hearings, and emailed to the Judicial Assistant at least three (3) business days in advance of the hearing date with an exhibit list that references the Bates number for each exhibit. They should be sent as one PDF file, or as few PDFs as possible, an index should be included, and the exhibits should be easily identified. Files containing more than five (5) exhibits should include a cover sheet before each exhibit. It is anticipated that those exhibits will be printed for the Court's review. However, it may be necessary for the Court to review them electronically only. If the total amount of pages exceeds 50, hard copies must be provided to the Court well in advance of the hearing. .

H. Civil Pretrial Procedures and Conferences

- **Case Management Conference:** The Court will issue Case Management Orders at the outset of all cases that identifies the case type (streamlines, general or complex), and a presumptive trial date. Should the parties believe the needs of the case are different than those identified in the initial Case Management Order, a Case Management Conference will be scheduled. The parties may also jointly submit a Trial Set Memorandum prior to the Case Management Conference and provide it by e-mail to the Judicial Assistant at astrickland@coj.net along with (i) the proposed mediator and (ii) the proposed trial week(s).
- **Status Conference:** Any party may request a status conference when a case requires.
- **Requirements:** Any request for a status conference must articulate the reasons for the necessity of the conference.
- **Scheduling:** If the Court agrees that a status conference is required, the moving party may schedule the status conference by emailing the Judicial

Assistant.

I. Setting Case for Trial

- **Procedure for Civil Cases:** Setting cases for trial may be done through e-mail. The Trial Set Memoranda, along with available trial dates, are posted on the Judge's webpage at jud4.org/ex-parte-procedures-and-dates. The parties shall complete all information in the form, including the desired mediator and trial date, and submit it as an e-mail attachment to the judge's Judicial Assistant along with the Motion to Set Trial. Any disagreements on mediators or trial dates shall be included in the email along with each party's recommendation.
 - Trial week schedules are available on the Court's website. In submitting proposed trial weeks, the parties are representing to the Court that counsel expects to be available that week for trial and, further that the trial week selected is in substantial compliance with the case time standards. Should the parties not submit Trial Set Memoranda, the trial schedule set forth in the initial Case Management Order will be adopted by the Court and the Court will select a mediator for the parties. In either event, the Court will then e-file the Trial Order.
 - If the case settles, the parties shall immediately notify the Court, in writing, so that it may be removed from the trial calendar.
 - When the parties agree that a civil trial should be continued, or the Court grants a motion for continuance, the parties may submit an agreed one-page proposed order granting the continuance with the new trial date or week and pre-trial conference date and time providing that all provisions of Court's previous trial order shall remain in full force and effect, or that the trial will be reset upon either party's Motion to Set.
- **Procedure for Family Cases:** Motions to Set for Trial and Motion to Set Hearings for greater than one (1) hour are heard during ex parte. Prior to scheduling a family law matter for trial, the parties shall complete mediation (unless excused by the Court). Once a Motion to Set Case for Trial/Hearing is filed, counsel or pro se' parties shall coordinate with opposing party or attorney to select an ex parte date which is convenient for all parties and shall email the Court's judicial assistant a completed trial set memo with a courtesy copy of the motion and notice of hearing as one collective pdf. The Court will prepare and efile the trial order. Self-addressed stamped envelopes should be provided to the Court in advance of the motion to set hearing for pro se' parties and any third

parties that cannot be served through the e-portal. The Court does not provide envelopes and postage. When a case SETTLES prior to the pre-trial or trial date, PLEASE, IMMEDIATELY contact the Judge's office via email to astrickland@coj.net so that the Court's trial calendar may be updated...

- **Procedure for Felony Cases:** Please see separately published Nassau Division B Felony procedure at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Nassau-Judges.aspx>

J. Forms

- **Access:** Division forms are available at <https://www.jud4.org/ex-partedates-judge-s-procedures/nassau-judges>.
- **Usage:** Division forms must be used for all relevant filings.

K. Other Division Procedures

- **ADA Accommodations:** If you are a person with a disability who needs any accommodation in order to participate in a proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator Michelle Watson, Robert M. Foster Justice Center, 76347 Veterans Way, Yulee, FL 32097, Telephone 904-548-4917, email ADA@nassauclerk.com at least 7 days before your scheduled court appearance, or immediately upon receiving notification of the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
- **Interpreter Requests:** The Fourth Judicial Circuit Court Interpreter Program is dedicated to providing qualified interpreters to non-English speaking litigants in the courtroom. Interpreters are hired by Court Administration on an event-by-event basis and can be provided for most court events. Please contact the Court Interpreter Program Coordinator at least seven (7) days before the service is needed, or immediately upon receiving notification if the time before the needed service is less than seven (7) days. If you are hearing or voice impaired, call 711 to reach the Telecommunications Relay Service. Requests for interpreter services (foreign language and sign language) should be directed to the Court Interpreter Program Manager, crtinrp@coj.net or by telephone at (904)255-1010. Please visit Jud4.org - Request for Interpreters for more information.
- **FAMILY LAW**

- **General Magistrate:** All pro se' cases, including cases wherein just one (1) movant is pro se', shall be referred to the magistrate. For cases wherein both sides are represented, all requests for temporary needs shall be referred to the Magistrate. Sample orders of referral are published at the link referenced above. Michele Johnson, Family Court Services Case Manager, currently handles pro se' scheduling for Magistrate Wallace. She can be reached at 904-548-4908 or by email at emjohnson@coj.net. The Court's judicial assistant generally handles scheduling of hearings before Magistrate Wallace when at least one side has counsel.
- **Putting Children First In Divorce Course:** Administrative orders issued in the Fourth Judicial Circuit (Duval, Clay, and Nassau Counties) by the Chief Judge and the Standing Family Law Court Order require that parents who are parties to a dissolution of marriage action or a paternity action shall promptly complete a four-hour parenting course, such as the Putting Children First in Divorce Course (formally Children First in Divorce) offered by Hope Haven (<http://www.hope-haven.org/divorce-counseling/>), or a similar qualified program. In Nassau County, one of the approved providers of the similar qualified program, the Parent Education and Family Stabilization course, is Clearview Concepts. Clearview Concepts is located at 1411 S. 14th St., Fernandina Beach, Florida 32097, and may be contacted at 904-335-0333. Under some limited circumstances, the Court may approve an online parenting course such as the course offered at <https://www.onlineparentingprograms.com/>. Permission should be sought from the Court before taking an online course to fulfill the requirement to take a four-hour parenting course.
- **Mediation And Pre-Trial Conferences.** Mediation should occur as soon as possible to minimize the expense and uncertainty of litigation. An exception to the general rule that a prompt mediation is useful involves matters in which a timesharing evaluator will likely be appointed. The Court prefers that mediation take place after a report is submitted by a timesharing evaluator. If a timesharing report is pending, the Court will not set the matter for trial. The Report on Mediation shall be prepared in accordance with Rule 12.740(f), Fla. Fam. L. R. P., and filed with the court prior to the Pre-Trial Conference. The requirement to mediate this case cannot be waived by agreement of the parties. Generally, parties must attend mediation prior to the scheduling of a matter for trial.

Unless otherwise agreed upon by the parties or ordered by the Court, the parties shall be equally responsible for payment of all costs of mediation. For mediation scheduled with the Family Mediation Unit, the fee shall be paid to the Clerk of Court in full prior to the mediation.

- **Consent Judgments With Time Sharing Arrangements**

Without A Prior Contested Hearing On Timesharing: The Court typically ratifies time sharing arrangements agreed to between parties but is willing to reserve jurisdiction to revisit time sharing under the best interests of the children standard upon written request of either party. If the parties agree, the following language may be included in any proposed final judgment submitted to the Court with agreed to time sharing under circumstances where the parties have not used due process time on this issue previously. The Court ratifies the time-sharing arrangement agreed to between parties but reserves jurisdiction to revisit time sharing of the parties under the best interests of the children standard considering the factors set forth under Section 61.13(3) of the Florida Statutes, upon written request of either party.

- **Qualified Domestic Relations Orders:** The Court will conduct hearings on Qualified Domestic Relations Orders, but it will allow submission of Qualified Domestic Relations Orders that have been consented to by both parties and pre-approved by the relevant plan or documentation is filed with the Court that pre-approval is not an option. It is preferred that proof of preapproval be provided to the Court at the time of submission of consented to QDROs. Proposed consented to QDROs should be submitted to the Court by mail with copies and envelopes, along with a copy of the supporting order or judgment.
- **Default Final Hearings:** Default Final Hearings should be coordinated with the Court's Judicial Assistant on the Court's regular calendar. Default Final Hearings will not be heard during ex parte. The party seeking the default judgment should provide proof of service or diligent search prior to the hearing. The Court will enter an Order Setting Trial and provide copies of the order to all parties, even those parties in Default for matters involving unliquidated damages and/or child support and timesharing, as required by Rule 12.440, Florida Family Law Rules of Procedure.
- **Service By Publication:** Cases wherein the Respondent has been served by publication should include a diligent search

affidavit with proof of searches with the entities listed below, when possible.

- United States Postal Service
- Internet Search
- Department of Motor Vehicles
- Department of Corrections
- Letters to Armed Forces of the United States
- Nassau Tax Collector

• **Adoptions:** Petitioners in relative adoption cases are required to set forth in the petition any prior criminal arrests or domestic violence actions to which they have been a party. The Court does not hear adoption matters during ex-parte. Those matters may be coordinated with the Court's Judicial Assistant. It is not necessary that children attend final hearings, but they are certainly welcome. The Court will allow pictures to be taken if the parties so desire.

• **Our Family Wizard:** Parties with minor children in common that are having a difficult time communicating successfully are encouraged to use the application Our Family Wizard and to submit a proposed order requiring the use of this application. A sample order can be found at the above-referenced website.

• **Income Withholding Orders and Orders Requiring Support to be Paid Through The State Of Florida Disbursement Unit:** Please be advised that the federal government, specifically sections 466(a)(1), (a)(8) and 466 (b)(6)(A)(ii) of the Social Security Act, requires that states use the federally approved Income Withholding Order (IWO) for the deduction of child support. Hereafter, in order to facilitate income garnishment of support under State law, instead of submitting the previously used form "Income Deduction Order," federal law mandates that parties now submit the OMB approved Income Withholding Order with the Florida Addendum Form 12.996(d) to the court for signature. The Florida Addendum must be used where allocated child support for multiple children has been awarded. Federal law prohibits the OBM approved IWO form from being revised to include additional information.

Florida Family Law Rule of Procedure 12.015 was amended to add this new form to the list of the forms contained therein. The Florida Supreme Court has also adopted Florida Family Law Rules of Procedure Form 12.996(d) (Florida Addendum to

Income Withholding Order). This Florida Addendum form is necessary and must be filed with the OMB approved IWO form in order to provide provisions required for income deduction orders pursuant to Florida law. The form may be accessed and downloaded from the Florida State Court's website at <https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida/Family-Law-Forms/Income-Deduction-Order-12.996-Forms-A-C/Federal-Income-Withholding-Order-IWO-Fillable-Form>

If the new order does not get utilized, the employer, as required by federal law, will reject and send the order back to the court/sender and will not take out the appropriate child support dollars from the employee's pay until they receive the proper order. This may delay child support payment and enforcement efforts.

Attorneys are cautioned to affix to the IWO the style affixed to all other pleadings in the case at issue, reflecting case number, division, and the parties' names.

If an order requires support to be paid through the State of Florida Disbursement Unit, it is only necessary to provide a conformed copy of the order to the Domestic Relations Depository, which can be delivered via inter-office mail c/o the Civil Department of the Nassau Clerk's Office. It is not necessary to provide a copy of the order to the State of Florida Disbursement Unit. The Domestic Relations Depository creates and maintains all accounts regarding support paid through the State of Florida Disbursement Unit. The State of Florida Disbursement Unit only receives and disburses money.

Pursuant to Florida Statute Section 61.181, the State of Florida Disbursement Unit imposes and collects a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments. **This fee is withheld by the State even if the IWO doesn't specify or include the fee in the amount to be deducted. Nonpayment of this fee will result in a delinquency in the support obligation.**

Please refer below for an example of how to include the SDU's fee.

ORDER INFORMATION: This document is based on the support or withholding order from FLORIDA (State/Tribe).

You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$800.00 Per month current child support
\$ Per past-due child support - **Arrears greater than 12 weeks?** Yes No
\$ Per current cash medical support
\$ Per past-due cash medical support
\$ Per current spousal support
\$ Per past-due spousal support
\$ 5.25 Per payment other (must specify) **SDU fees 4% but not less than \$1.00 nor greater than \$5.25.**

for a **Total Amount to Withhold of \$** per

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$189.86 per weekly pay period \$ 405.25

per semimonthly pay period (twice a month)

\$374.48 per biweekly pay period (every two weeks)
\$805.25 per monthly pay period

\$ _____ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

- **PROBATE/GUARDIANSHIP/MAGISTRATE MATTERS:** Effective, January 2, 2020, all probate matters will be covered by Senior Judge Robert M. Foster. Effective January 2, 2024, the Magistrate will assist with family law matters.
 - Each Judicial Assistant will continue to process the receipt of proposed and executed orders, and scheduling matters for their respective division. It is the Court's preference that proposed orders be submitted via the e-portal. Instructions on how to submit proposed orders via the e-portal can be found at <https://www.jud4.org/proposed-orders-efiling> In the event that any interested party cannot be served through the Florida Court's E-Filing Portal, please send a blank stamped envelopes to reimburse the Court as the Court will mail conformed copies to third parties and pro se' litigants upon entry of the order.
 - Motions to withdraw should be set for a time certain. Additional procedures for Probate/Guardianship matters can be found at <https://www.jud4.org/ex-partes-dates-judge-s-procedures/nassau-judges> Please ensure that you have coordinated and confirmed your hearing date before any notice of hearing is filed and served on the parties.
 - Magistrate Procedures can be found at <https://www.jud4.org/court-administration/magistrates-and-hearing-officers>