

SUPPLEMENT TO
TRANSPARENTING SEMINAR
IN ESCAMBIA AND SANTA ROSA COUNTY, FLORIDA

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PROVIDED BY: PENSACOLA JUNIOR COLLEGE

 THE UNIVERSITY OF WEST FLORIDA

 ESCAMBIA-SANTA ROSA COUNTY BAR ASSOCIATION

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THE JUDICIAL PROCESS

Judge: The judge is an impartial person whose job is to listen to the facts and the law as presented by the attorneys, the parties to the action and witnesses to decide what will happen in the future if the parties to the action are unable to agree by themselves or with the assistance of a mediator. There are five (5) judges and two (2) magistrates in Escambia County and four (4) judges and one (1) magistrate in Santa Rosa County who only hear matters involving families and children. All of these judges and magistrates have a law degree, considerable experience, and ongoing education in determining these matters. A magistrate is an attorney appointed by the Chief Judge of the Circuit to hear family law cases. It is likely that a hearing can be set with a magistrate sooner than with a judge. In Escambia and Santa Rosa Counties, there are over 10,000 family law cases and cases involving minor children filed each year.

If your child should come before the Court, you should tell your child that the judge is not there to be mean or bad to anyone, but rather, that the judge is seeking information.

Attorneys: These are officers of the Court who are hired by the parties to represent their interests in court. Their conduct is governed by many different rules (to be addressed later). Each attorney can only represent one party. The job of each attorney is to present the law and facts of each case to the judge in a light most beneficial to their client.

Clerk of Court: The clerks maintain all the paperwork and records in each court file and provide certified copies for a nominal fee. The phone number is 595-4331. The Pro Se Coordinator number is 595-4407. The Juvenile Pro Se Coordinator number is 595-3736.

Security: These are deputized officers of the Sheriff's Department whose job is to maintain security, order and decorum in the courtrooms and the judge's chamber.

Court Reporters: These men and women are hired by attorneys and parties to appear at certain proceedings to write down everything that is said by all parties present at such proceedings. The court reporters can only record the spoken word/verbal communications (not gestures or non-verbal communications) so it is very important to speak clearly for the court reporters.

Guardian Ad Litem/Mediator: Please refer to separate topic sections in these materials.

Parties: Usually referred to as "Petitioner" and "Respondent" (which only means that one person initiated the action and the other is responding to it; it does not mean that one party has an advantage over the other). By participating in a Dissolution of Marriage case or any other legal proceeding, you are asking a judge or magistrate to decide matters concerning your future and that of your child(ren) because you have been unable to agree upon these matters by yourselves. By asking the Court's assistance, it is necessary that you follow certain rules of conduct and attire when attending court proceedings.

Attire: No shorts, halter tops, tank tops, flip-flops, or t-shirts allowed.

Conduct: Relax. Be prepared. Do not chew gum. Do not bring anything to eat or drink. This is an opportunity to put your best foot forward. Be on time or early and be prepared for all hearings. To be late shows disrespect for the court and the other parties who are waiting to see the judge.

Weapons of any size or form are expressly prohibited in the courthouse by Florida Statute. There are security devices and personnel at the entrance of the courthouse for the protection of all who enter.

When speaking in any proceeding, you should respond directly to the Court or to the attorneys in a polite manner using "yes, sir" "yes, ma'am" or "yes, judge." Do not argue. Do not guess; if you don't know for sure, say so. Be brief and concise. Be polite. The use of humor is usually not appropriate.

The Law: There are four sources of law that control the entire judicial process. These are the Constitution, statutes, procedural rules and case law. In family law, there are child support guidelines and a formula that takes into consideration the income of both parents as well as other financial information. The parties must submit complete

financial information so that the attorneys and judge can make the calculations under the law.

There are also many other issues that must be considered by the parties, attorneys, and judge when pursuing a Dissolution of Marriage action or any other legal action involving a child. Some examples are day care expenses, life insurance, health and dental insurance, regular visitation, visitation for special events and holidays, military identification cards, education, and pension and retirement.

Procedure: As mentioned earlier, certain procedural rules govern the order of events in any legal proceeding. In general, there are four basic stages of any legal action. These are pleadings, discovery, motion hearings, and final hearing. In each stage, the rules of procedure set forth specific time frames within which certain documents must be filed. Failure to comply with these time requirements can result in a severe penalty to the party.

In the pleadings stage, both parties are allowed to file certain documents which set forth their claims and the solution sought. In addition, each party is allowed to file written responses to the claims of the other party.

Almost immediately, the discovery stage begins. Discovery is the process by which each party seeks and obtains information concerning the claims of the other party. There are many tools available under the rules of procedure to seek and obtain this information. Some examples are interrogatories, depositions, requests for production of documents, and financial affidavits.

The last event in any legal action involving children is the final hearing. The final hearing is a trial before a judge without a jury. Each side is entitled to present testimony and evidence to the judge for consideration. After the final hearing, the judge will issue decision. The attorneys may be asked to draft a document containing this decision and the judge may sign it. This document is called a final judgment. The terms of this document will define the manner of relationship of the parties and their child(ren) after the conclusion of the legal action. Failure to comply with the terms of the final judgment constitutes contempt of court for which the violator may be subject to penalties including, but not limited to, reduced contact with the child(ren) or imprisonment.

LAWYER REFERRAL SERVICE - 434-6009

If you need a lawyer, call the Lawyer Referral Service. Your call will be answered by a Lawyer Referral Service staff member who will take your name, address, and telephone number. You will be asked to briefly state your problem. Information you give will be held in the strictest confidence. Lawyer Referral Service staff will give you the name, address and telephone number of an attorney in your geographic area who handles the type of case you describe.

Under the Escambia-Santa Rosa County Bar Association Lawyer Referral Service, lawyers charge clients up to \$40.00 for the initial consultation. You will have up to one-half hour (30 minutes) to discuss your problem with the attorney. You and the lawyer are under no obligation to go beyond the first consultation. The fee for any additional services should be arranged between you and the attorney during your initial meeting.

The Escambia-Santa Rosa County Bar Association Lawyer Referral Service Office is open Monday through Thursday, 8:00 a.m. to 4:00 p.m. and Fridays, 8:00a.m. - 1:00p.m.

NORTHWEST FLORIDA LEGAL SERVICES – 432-3999 or 432-2336

701 South “J” Street, Pensacola, FL.

Northwest Florida Legal Services provides legal help to income eligible persons with certain civil legal problems (not criminal).

LEGAL SERVICES OF NORTH FLORIDA, INC. - Pensacola Office - 432-8222

118 South Baylen Street, Pensacola, FL 32502 850-432-8222 (phone); 850-432-2329 (fax)

Provides legal assistance to low-income individuals in the following substantive areas:

Housing (including Landlord Tenant, Mortgage Foreclosure Defense, Housing Discrimination and Real Property Disputes)

Consumer (including debt collection, sale of goods and limited bankruptcies)
Education (including access to a free and appropriate education and non-criminal discipline issues.)
Public Benefits (including food stamps, cash assistance/welfare, welfare-to work issues and Medicaid)
Income Tax Issues (including tax levies, collections and disputes with the IRS)

Other Legal Services of North Florida, Inc. offices are located at:

Ft. Walton Beach
133 Staff Drive, Ste.B
Ft. Walton Beach, FL 32548

Panama City
211 E. 11th Street
Panama City, Florida 32401-2938

Tallahassee (main office)
2119 Delta Boulevard
Tallahassee, FL 32303

Quincy
8 W. Jefferson Street, Suite 200
Quincy, Florida 32351

DIVORCE/FAMILY MEDIATION - For information call: 595-4482

Toward a Definition: Mediation is a method of dispute resolution that uses a trained impartial third person to help disputing parties engage in reasonable and effective bargaining and settle their case. The goal of mediation is for the parties to reach a voluntary and mutually acceptable settlement on the disputed issues. A mediator trained to be an effective negotiator and consensus builder is essential to this process.

Divorce mediation is a process by which an impartial third party assists parents in reaching mutually acceptable agreements about their children and other issues arising out of a divorce. It is a cooperative, problem-solving approach to resolving disputed matters that allows parents to acknowledge areas of disagreement and define possible solutions. Divorce mediation is an alternative approach that empowers the parties to come to an agreement on disputed divorce matters, rather than leaving them to the courts to decide.

Goals of Divorce/Family Mediation: The primary goal of divorce mediation is to terminate the marriage while preserving the relationship, so that the parties and children involved are spared the potentially negative impact of divorce through the litigation process.

Mediation Process: Divorce/Family mediation is viewed as goal-focused, task-oriented, and time-limited. It emphasizes the present and future considerations of the parties and their child(ren).

Both parties and a mediator have to deal with concrete tasks to reach a settlement. As such, the focus is on legal issues as opposed to dealing with emotional issues. In divorce mediation, the parties have to be specific in identifying and valuing assets, liabilities, and other property. Parties must develop workable plans for parenting, timesharing and support of the children. Therefore, mediation is geared to focus on problem solving. By contrast, therapy usually deals with internal or interpersonal material, emotions, and the quality of a person's relationship with his/her spouse.

Role of the Mediator: A divorce mediator functions in an active manner and serves as an educator to the parties providing them with the information needed for an equitable, negotiated settlement. The mediator remains task-oriented, keeping the parties on target with regard to the aims, procedures, and scope of the process. The mediator does not make decisions but facilitates the parties' decision making while remaining impartial and maintaining a balance between both parties.

Benefits to Children: One of the main, if not primary, reasons for the use of divorce mediation is the specific benefits resulting for children. More often than not, parents will continue to cooperate in raising their children if they have cooperated in their divorce as opposed to their having fought as adversaries during a contested and disputed divorce. Thus, continuity in the relationship is maintained. Equally, it is important for children to perceive that both parents will continue to provide care and support rather than to perceive themselves as being pulled continuously into adversarial conflict.

Benefits of a Mediated Outcome: Through divorce mediation the couple achieves a win-win resolution as opposed to a win-lose outcome in which one person gains at the other's expense. They arrive at mutual decisions on the

issues that most directly affect the family.

Benefits of the Mediation Process: Rather than fighting as adversaries, the parties cooperate in resolving differences. While adversarial litigation focuses upon and may intensify conflicts, mediation diffuses conflicts in order to focus on the achievement of common goals, common interests, and common values. In addition, the focus of divorce mediation is preparing for the future to accommodate the needs of the parties affected by the divorce. Another benefit derived in the mediation process is that the parties are fully and actively involved in establishing the conditions of their divorce. Because of this, there is cooperative participation in the process of divorcing which often results in greater commitment to and support of the conditions of the divorce.

For more information on locating a certified family mediator, contact the Circuit Court Mediation Services Coordinator at 595-4482

CHILDREN'S HOME SOCIETY OF FLORIDA FAMILY VISITATION CENTER (FVC)

Hours of Operation:

- Pensacola location - 1216 N. Palafox Street
 - Monday - Friday 1 pm - 5 pm
 - Every other Saturday 8 am – 12 pm
 - Domestic Violence clients visit every other Friday with security available

- Milton location - 6480 Hwy 90, Suite C and D
 - Every Tuesday 2 pm – 6 pm
 - Every other Wednesday 2 pm – 6 pm
 - Security is always at the Milton location

Referral for service: referrals come from either the Department of Children and Families (DCF) and Families First Network (FFN) in dependency cases or from the Family Law Division of the Department of Justice (FL) in domestic violence cases. Families must be court ordered for supervised visitation. Court order needs to specify that the family needs supervised visits at the Family Visitation Center, not with specified persons named.

- FFN and DCF clients do not pay while their case is open with FFN. If FFN or DCF closes the case and clients still need to utilize the FVC the client will be charged \$25 a visit. The client is made aware of this at intake.
- Family Law clients will be charged \$25 a visit.

Service duration: Currently the FVC schedules a one-hour supervised visit every two weeks. In some rare cases, visits might last for longer or shorter periods and, if time becomes available, a family may visit weekly for an hour. The duration of supervised visitation ranges from weeks, as a parent completes a case plan for the Families First Network, to over a year in cases where the safety of the child would be in jeopardy otherwise.

Cancellations and no-shows: FVC clients are allowed three cancellations total or two no-shows. FVC requires a 24-hour notice of cancellation of visit. For Family Law clients and closed FFN clients who are still utilizing the FVC, unless a 24-hour cancellation notice is given, the party will be billed \$25.

Intake process:

- FFN or DCF worker faxes court order with referral to FVC. FVC staff calls the non-custodial parent (NCP) to schedule intake. At intake, the NCP is required to bring a picture ID and complete the intake packet with staff. At this point the staff will call the custodial parent (CP) to schedule a visit time and to inform the CP of the policies and procedures. The CP intake packet will be given to the CP at the first visit. The CP will be asked to fill out the intake packet and return to FVC staff.
- Family Law clients (there is no referral). NCP calls stating they have a court order for supervised family visitation. Intake is scheduled with NCP. NCP is informed that they are required to bring their court order, picture ID and \$25. At this point the staff will call the custodial parent (CP) to schedule a visit time and to inform the CP of the policies and procedures. The CP intake packet will be given to the CP at the first visit. The CP will be asked to fill out the intake packet and return to FVC staff.

Visit process: visit process is the same for all clients.

- NCP is required to arrive 15 minutes early for the visit. CP arrives at scheduled visit time with child, parks in the FVC parking space, and does not get out of the car. FVC worker escorts child from CP's vehicle to the visit room. CP must leave the premises during the hour-long visit. Once the visit is over the FVC worker escorts child back to the CP's vehicle and ensures that the CP leaves the premises before the NCP is allowed to leave the FVC. It is FVC policy that there is no contact between CP and NCP during the visit time.

Visit notes: clients are not allowed to have a copy of the case notes or case log.

- FFN and DCF clients' case notes are faxed to the referring worker within seven days of the visit.
- Family Law clients must have their case notes and case log subpoenaed by their lawyer or law office (do not subpoena the FVC worker). The charge for copies of case notes and case log is thirty cents a page. Payment is due before the documents can be picked up and the lawyer or the law office must pick up the documents. The client is not allowed to receive the paid documents.

FAVOR HOUSE - For information call: 434-6600

The location of the shelter is not known to the public.

Relationships characterized by violence and abuse may become increasingly volatile during a period of separation and divorce. The most dangerous time for a domestic violence victim is when he/she is attempting to terminate a relationship with the batterer. Domestic violence is defined as violence between two people who are involved in an intimate relationship. It may include verbal, psychological, emotional, physical, or sexual abuse as well as destruction of property and pets.

Since 1979, Favor House has provided safe, temporary shelter to thousands of domestic violence victims from the two-county area of Escambia and Santa Rosa. The Favor House shelter and crisis lines are staffed 24 hours a day, year round. An individual may seek necessary shelter at any time.

Eligibility:

- A victim of domestic violence.
- In need of safe, temporary shelter.
- Able to look after self and child(ren).
- Free of alcohol or drug addiction. Prescribed medication may be brought to the shelter with the knowledge of staff.

When you come to the shelter it is recommended that you bring the following items, if possible:

- Social security card and other identification.
- Health insurance card.
- Child(ren)'s birth certificate and health record
- Several changes of clothes, but not more than one suitcase per person.
- Special diet foods or information about diet requirements.
- Citizenship papers, if applicable.

Favor House provides:

- 24-hour crisis line service
- 24-hour emergency transportation
- 24-hour safe, temporary, emergency shelter and counselors
- Food, clothing, medical supplies, and referral counseling for victims and their child(ren) while in shelter
- Victim advocacy
- Women's educational group meetings
- Batterer's Interventions Program
- Support groups for victims
- Law enforcement and professional training program

- Educational programs for community and civic organizations
- Regularly scheduled high school education programs in area high schools.

Children in homes characterized by violence are at risk. In 50% of wife-abusing families, the children are battered as well.

Characteristic behaviors of children who experience family violence:

Role reversal: Often an older child is forced to accept responsibility for care of younger siblings and of the household due to the parents' inability to fulfill these functions. This child may never have had the opportunity to participate in normal childhood activities.

Aggressive behavior: Some of these children may act in an aggressive manner at home and in school toward other siblings, children, animals, and adults. This behavior may also include destruction of property and/or theft.

Violence towards parent: When these children become adolescents or adults, they may turn on their parents.

Running away: These children may run away, perceiving this as their only alternative for escaping an unbearable home situation.

Truancy: These children often fail to attend school. They may believe that if they stay at home their presence will keep the fighting under control or that peers will recognize their physical and emotional deprivation and sexual abuse.

Shy, withdrawn behavior: These children may not interact with others. As this behavior seldom attracts attention, these children may not be identified as troubled.

Substance abuse: Older children from violent families may engage in excessive use of alcohol or drugs. This behavior is often modeled after the parents' behavior, and is perceived as a psychological escape from their problems.

Abusive behavior: When these children become adults, they may abuse their own children and/or spouse.

EXCERPTS FROM FLORIDA STATUTES CHAPTER 61 (2008)*

DISSOLUTION OF MARRIAGE

Fla. Stat. 61.001 - Purpose of Chapter 61

- (1) This chapter shall be liberally construed and applied.
- (2) Its purposes are:
 - (a) To preserve the integrity of marriage and to safeguard meaningful family relationships;
 - (b) To promote the amicable settlement of disputes that arise between parties to a marriage; and
 - (c) To mitigate the potential harm to the spouses and their children caused by the process of legal dissolution of marriage.

Fla. Stat. 61.046 - Definitions

Shared Parental Responsibility: means a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly.

Sole Parental Responsibility: means a court-ordered relationship in which one parent makes decisions regarding the minor child.

Parenting Plan: means a document created to govern the relationship between the parties relating to the decisions that must be made regarding the minor child and shall contain a time-sharing schedule for the parents and child. The issues concerning the minor child may include, but are not limited to, the child's education, health care, and physical, social, and emotional well-being. In creating the plan, all circumstances between the parties, including the parties' historic relationship, domestic violence, and other factors must be taken into consideration. The parenting plan shall be developed and agreed to by the parents and approved by a court or, if the parents cannot agree, established by the court.

Time-Sharing Schedule: means a timetable that must be included in the parenting plan that specifies the time, including overnights and holidays, that a minor child will spend with each parent. If developed and agreed to by the parents of a minor child, it must be approved by the court. If the parents cannot agree, the schedule shall be established by the court.

Fla. Stat. 61.13(1)(a) – Child Support

The court may at any time order either or both parents who owe a duty of support to a child to pay support to the other parent in accordance with the child support guidelines.

Fla. Stat. 61.13(2)(b) – Custody

Any parenting plan approved by the court must, at minimum, describe in adequate detail how the parents will share and be responsible for the daily tasks associated with the upbringing of the child, the time-sharing schedule arrangements that specify the time that the minor child will spend with each parent, a designation of who will be responsible for any and all forms of health care, school-related matters, other activities, and the methods and technologies that the parents will use to communicate with the child.

Fla. Stat. 61.13(2)(c)1 – The court shall determine all matters relating to parenting and time-sharing of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act. It is the public policy of this state to assure that each minor child has 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 childrearing. There is no presumption for or against the father or mother of the child when creating or modifying the parenting plan of the child.

Fla. Stat. 1.13(2)(c)2.b. - The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child.

Fla. Stat. 61.13(2)(c)3 – Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to either parent.

Fla. Stat. 61.13(3) - Best Interests of the Child

For purposes of establishing or modifying parental responsibility and creating, developing, approving, or modifying a parenting plan, including a time-sharing schedule, which governs each parent's relationship with his or her minor child and the relationship between each parent with regard to his or her minor child, the best interest of the child shall be the primary consideration. Determination of the best interests of the child shall be made by evaluating all of the factors affecting the welfare and interests of the minor child, including, but not limited to:

- (a) The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required.
- (b) The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.
- (c) The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent.
- (d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
- (e) The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child.
- (f) The moral fitness of the parents.
- (g) The mental and physical health of the parents.
- (h) The home, school, and community record of the child.
- (i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(j) The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.

(k) The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.

(l) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.

(m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought.

(n) Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect.

(o) The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties.

(p) The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.

(q) The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.

(r) The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.

(s) The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.

(t) Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.

Fla. Stat. 61.13(4) - Child Support, Custody and Visitation

When a parent who is ordered to pay child support or alimony fails to pay child support or alimony, the parent who should have received the child support or alimony may not refuse to honor the time-sharing schedule presently in effect between the parents.

When a parent refuses to honor the other parent's rights under the time-sharing schedule, the parent whose time-sharing rights were violated shall continue to pay any ordered child support or alimony.

Fla. Stat. 61.13(5) - Parental Responsibility

The court may make specific orders regarding the parenting plan and time-sharing schedule as such orders relate to the circumstances of the parties and the nature of the case and are equitable and provide for child support in accordance with the guidelines schedule in s. 61.30. An order for equal time-sharing for a minor child does not preclude the court from entering an order for child support of the child.

Fla. Stat. 61.13001 – Relocation

Unless an agreement has been entered as described in the statute, a parent who is entitled to time-sharing with the child shall notify the other parent, and every other person entitled to time-sharing with the child, of a proposed relocation of the child's residence.

FLORIDA FAMILY LAW RULES OF PROCEDURE - Rule 12.407

No minor child shall be deposed or brought to a deposition, brought to court to appear as a witness or to attend a hearing, or subpoenaed to appear at a hearing without prior order of the court based on good cause shown unless in an emergency situation. This provision shall not apply to uncontested adoption proceedings.

COMMENTARY TO RULE 12.407

This rule is intended to afford additional protection to minor children by avoiding any unnecessary involvement of children in family law litigation. While due process considerations prohibit an absolute ban on child testimony, this rule requires that a judge determine whether a child's testimony is necessary and relevant to issues before the court prior to a child being required to testify. This means that you cannot bring children to court to testify unless you first obtain a court order (after a hearing) allowing you to do so.

STANDING PRE-TRIAL ORDER, ESCAMBIA COUNTY

**IN THE CIRCUIT COURT IN AND FOR
ESCAMBIA COUNTY, FLORIDA
FAMILY LAW DIVISION**

IN RE: THE MARRIAGE OF:

Petitioner,

and

Respondent.

_____/Case No. ; Div.

FAMILY LAW STANDING PRETRIAL ORDER

The following Family Law Standing Pretrial Order ("Order") shall apply to both parties in an original action for dissolution of marriage. Service of this Order shall be made with service of process of a Petition for Dissolution of Marriage and shall be effective with regard to the Petitioner upon filing of the petition and with regard to the Respondent upon service of the summons and Petition for Dissolution of Marriage or upon waiver and acceptance of service. The following Order shall remain in place during the pendency of this action, unless modified, terminated or amended by further order of the Court upon motion of either of the parties:

1. Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose of, without the consent of the other party in writing, or without an order of the Court, any disputed property, individually or jointly held by parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fees and costs in connection with this action. This provision is not to be interpreted to control property which is co-owned with a third party. In such case, either party may file an appropriate motion with the court with notice to all whose property rights may be affected.

2. Neither party shall incur any unreasonable or unnecessary debts, including but not limited to, further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit or bank cards.

3. Neither party shall permanently remove the minor child or children of the parties over whom the Court has jurisdiction from the State of Florida, without written consent of the other party or an order of the Court.

4. Unless there is another court order in effect, the parties shall share parental responsibility for any

minor child(ren) of the marriage. Attached hereto as **Exhibit "A"** is a copy of the Escambia County Shared Parental Responsibility Statement. Any timesharing schedule should be established in writing. The parties may agree to any timesharing schedule they believe is in the best interest of the child(ren). (Absent a written agreement to the contrary, each parent shall have equal time (50%) with the minor child(ren) and each parent shall cooperate to facilitate equal timesharing (50%) with the minor child(ren) until further order of this Court.) If the parties cannot agree to a 50/50 timesharing arrangement, the parties shall follow a weekly rotating schedule, exchanging the child(ren) on Sundays at 6:00 p.m. The Respondent shall receive the first week beginning on Sunday following the service of process. Holidays shall be governed by the Family Law Standing Pretrial Order Holiday Schedule, attached hereto as **Exhibit "B"**. For cases in which child abuse and/or neglect is alleged by a party against the other parent, that party shall promptly file the appropriate pleadings with the Court to seek immediate relief from the above timesharing schedule. If there is a domestic violence injunction in effect which governs the minor child(ren), it will take precedence over this Order until specifically addressed by this Court.

5. The child's school attendance zone shall be where he/she has customarily attended unless neither party resides in that zone. If the child has not attended school anywhere (grades K-12) at the time of filing, then the child shall attend the school in the district in which the parties last resided together as a family unit for at least sixty (60) days. In the event neither party resides in the same school attendance zone, then the child shall attend school in the zone in which he/she has primarily resided for the sixty (60) days preceding the start of school. The parties may agree otherwise in writing as appropriate to the needs of their child(ren) in compliance with school attendance zoning guidelines.

6. Neither party shall cause the other party or the child(ren) of the marriage to be removed from any medical, hospital and/or dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

7. Neither party shall change the beneficiaries of any existing life insurance policies, and each party who has traditionally paid the following shall maintain existing life insurance, automobile insurance, homeowner's or renter's insurance policies in full force and effect.

8. If the parties have a child or children, a party vacating the family residence shall notify the other party or the other party's attorney, in writing, within forty-eight (48) hours of such move, of an address and telephone number where the relocated party can receive communication. This provision shall not apply if there is a conflicting court order.

9. Failure to obey this Order may be punishable by contempt of court. If you wish to modify this Order, you must file an appropriate motion with the Escambia County Family Law Clerk's Office.

DONE AND ORDERED at Pensacola, Escambia County, Florida this _____ day of _____, 2008.

Signature on File with Circuit Court _____
CIRCUIT COURT JUDGE