

FAMILY/DOMESTIC RELATIONS PROCEDURES
LAURIE E. BUCHANAN, Circuit Judge

Charlene Watson, Judicial Assistant: WatsonC@circuit19.org

OVERVIEW: Okeechobee Family Court is *generally* conducted 1 week per month (the 1st week of the month). Family Uniform Motion Calendar is usually on Wednesday during Family Week from 10:30-11:30 a.m. and Domestic Violence Hearings are *generally* on Thursdays at 11:30 a.m. and are set by the Court. Other dates may be utilized on an “as needed” basis at the Court’s discretion. *Please be sure to review the online calendar regularly.*

Please do not contact the Judicial Assistant about scheduling unless you have reviewed these procedures and the online calendar/schedule. See information below.

Email sent to this office should contain the Case Number (short case number is ok). Example: 22DR303 and Short Style of the Case (Smith v. Smith) in the subject line. The body of the email must contain a brief description of the purpose of the email. Documents submitted to this office by email should be attached as a document with a name that is easily identifiable and not attached under a “scanned doc” name. Example of simple name for document: **Smith v. Smith 22DR303 M-Contempt.**

Motions may be submitted in pdf format, but all proposed orders must be submitted in WORD format. It is not necessary to submit proposed orders in advance of a hearing, unless requested by the Court.

CASE NUMBERING: You must use the Supreme Court Mandated Case Numbering System, i.e.: 47 2022 DR 000303 on all documents.

UMC (Uniform Motion Calendar):

Use the Court’s online calendaring system (Family UMC): 10 min or less, non-evidentiary (5 min. each side), **at least 5 business days in advance of the hearing date.** The Court does not require a copy of the notice of hearing or motion for uniform motion calendars. Submit your proposed order by email in WORD format to WatsonC@circuit19.org, *after the hearing*. This office will serve copies on all parties that have an eservice address. It will be the moving party’s responsibility to serve copies on any party that does not have an email/eservice address on file.

Orders submitted/signed in Court: Orders entered in open court are not efiled or eserved by this office. The original order will be filed by the Clerk of Court. You must bring sufficient copies for conforming by the Clerk. You are responsible for providing copies to all parties, whether by conformed copy in open court or by U.S. Mail or eservice.

Remote attendance via ZOOM at UMC is permitted. (See Remote Attendance).

If you cancel a hearing, you **MUST** file a notice of cancellation, cancel on the Court's online calendar and advise the Judicial Assistant by email no later than 2PM the day before the hearing. (See Cancellations).

MOTION HEARINGS/NOTICES FOR HEARING:

You must file your motion before setting it for hearing. Hearing dates and times must be cleared with opposing counsel, noting same on your Notice of Hearing. Submit a copy of your motion and notice of hearing to the Judicial Assistant via email. ALL motions and notices of hearings **MUST** contain a **GOOD FAITH CERTIFICATION** (see Good Faith Certificate).

Additional motions may not be “piggy-backed” by cross-notice unless counsel first confirms with opposing counsel and/or the judicial assistant that sufficient additional time can be reserved to hear them.

HEARINGS THAT REQUIRE ONE (1) HOUR OR LESS:

Schedule using the Court's online calendaring system, at least 5 business days in advance of the hearing. You may schedule all matters, including evidentiary matters that require one (1) hour or less using this system. Remote attendance at any evidentiary hearing is not allowed without prior approval of the Court, by motion and order. (See Remote Attendance Procedures). **THE COURT DOES NOT ACCEPT EXHIBITS REMOTELY.**

TEMPORARY RELIEF HEARINGS:

Parties **must attend mediation** before a Temporary Relief Hearing may be set. If you schedule a Temporary Relief Hearing without first having been to mediation your motion **will not** be heard and your hearing will be stricken from the Court's Docket.

EMERGENCY MOTIONS: If you have a *TRULY* emergent matter, SEE *Loudermilk v. Loudermilk*, 696 So. 2d 666 (Fla 2d DCA 1997), *William v. Primerano*, 973 So. 2d 645 (Fla 4th DCA 2008), and *Perez v. Giledes*, 912 So. 2d 32 (Fla 4th DCA 2005), you must efile your emergency motion and submit a copy to the Judicial Assistant by email at WatsonC@circuit19.org. The word “EMERGENCY” should appear in the subject line as well as the short style of the case and case number). If after review, the Court determines that it is an emergency, the Judicial Assistant will contact you to set the matter on an emergency basis



ONLINE CALENDARING PROCEDURES:

1. Logon to https://slccjis.stlucieco.gov/attorney_calendar/default.aspx. You must register to obtain your user id and password on the site:
2. Click on case scheduling;
3. Enter County, Judge Buchanan's name, month and year in drop down fields;
4. Hit available hearing time: View button and a screen will open showing all available hearing times. For UMC dates, look under FAMILY UMC. For Family Hearings one (1) hour or less look under FAMILY HEARINGS.
5. **Any issues** relating to your login/use of the online calendar should be directed to: BakerC@stlucieco.org.

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HEARINGS REQUIRING MORE THAN ONE (1) HOUR:

Contact the Judicial Assistant by email at WatsonC@circuit19.org to obtain hearing dates and times to coordinate with the opposing party. A copy of the motion must be attached to your email.

PROPOSED ORDERS:

It is not necessary to submit proposed orders **prior** to hearings, unless requested to do so by the Court. The proposed order **must** reflect the date of the hearing, that it is ex-parte or heard in Chambers. All motions must be filed through the e-portal. All **proposed orders** are to be submitted to the Judicial Assistant, WatsonC@circuit19.org, in **WORD** format, *along with a copy of the motion* which may be submitted in WORD or pdf format. The document should be named in a searchable format, which contains a short style of the case, short case number and short name of order. SAMPLE: Smith v. Smith 22DR303 O-Cont. The proposed order must utilize the Supreme Court Case Numbering System (County Code, Year, Division and Six digit number with no dashes, .i.e.: 47 2022 DR 000303). Your order must contain a complete service list, setting forth eservice address, as well as any postal addresses if there is no eservice address. Signed orders will be efiled and e-served via the eportal. If a pro se party does not have an eservice address on file (and clearly printed in the service list on the order), then it will be your responsibility to provide the opposing party with a copy of the signed order.

Orders submitted/entered in Court: Orders entered in open court are not efiled or eserved by this office or the Clerk. The original order will be filed by the Clerk of Court. You must bring sufficient copies for conforming by the Clerk. You are responsible for providing copies to all parties, whether by conformed copy in open court, by U.S. Mail or eservice.

REMOTE ATTENDANCE:

Remote attendance at Family/Domestic Relations hearings which are one (1) hour or less and *non-evidentiary* in nature, including Uniform Motion Calendar, is permitted via **ZOOM** (this does not apply to Domestic Violence Hearings). **At your designated hearing time, you will appear through Zoom teleconferencing (without charge) via video by clicking <https://zoom.us/j/5163900212> or via phone by calling (253) 215-8782 OR (301) 715-8592, Meeting ID number is: 516-390-0212.**

A **motion requesting remote appearance** must be efiled and emailed, along with a proposed order in WORD format for telephonic attendance at any hearing that requires **one (1) hour or more and/or is evidentiary in nature.** Please state in your motion if the opposing party has an objection to the telephonic appearance. If the motion is granted and the hearing is evidentiary in nature, the party/witness **MUST** appear using video and audio for the Court to swear in or have a notary public physically present with the party/witness per §117.231, Florida Statutes (2022).

CANCELLATIONS:

All hearings scheduled online must be cancelled online no later than 2PM the day before the hearing. A notice of cancellation must be efiled and a copy emailed to WatsonC@circuit19.org.

EX PARTE COMMUNICATION:

All case-related communications with the Court shall be in open court with all parties present, in writing or by email copied to opposing counsel and/or filed with the Clerk. No party or attorney shall otherwise communicate directly to the Court regarding a case. **All emails must include all parties and the style of the case, or they will be disregarded.**

NOTICES FOR TRIAL:

When the pleadings are closed, either party shall notice the case for trial. The notice for trial must contain a Good Faith estimate of time required for trial (coordinate with the opposing party). After filing your notice for trial, notice the matter for a 15-minute Pre-trial/Case Management Conference. Use the Court’s online calendar and set during the Court’s Family Motion docket. **ALL PARTIES AND COUNSEL ARE REQUIRED TO BE PRESENT AT THE CASE MANAGEMENT CONFERENCE.** (A WORD version of the Court’s Case Management/Pre-trial Order can be found on the Court’s webpage)

GOOD FAITH CERTIFICATE:

All motions must contain a certificate of Good Faith that **you** have contacted the opposing party and coordinated the hearing date, time and amount of time necessary for the hearing. If after several attempts to coordinate a hearing date and time, but are unable to, you may unilaterally schedule the hearing date and time setting forth in your good faith certificate the attempts that were made to coordinate the hearing date and time.

POST JUDGMENT CASES: Any post judgment matter not following these procedures will be considered stricken from the Court’s Docket without further notice or order.

All Post Judgment cases must be referred to the Magistrate. **Please provide a proposed Order of Referral to Magistrate via email along with a copy of the Motion and/or Modification.** Once the Order of Referral is signed by the Judge you may object in a timely manner. Should there be an Objection entered, the case then would be heard before the Judge. Should no Objection be filed the case would then remain with the Magistrate and any hearing dates and/or questions would be handled by the Magistrate’s Assistant.

PRO-SE PARTIES: If you are self-represented and wish to inquire about your case status or are looking to schedule a hearing, you may complete a Form A or B (as applicable) at www.circuit19.org, under Family Court Information and Resources. If you have a working/viable email address that you wish to use for eservice, please fill out a form and file it with the Clerk of Court. You will then be served with copies via your eservice address.

PLEADINGS: Please note, all original pleadings must be filed with the Clerk of Court. It is not the responsibility of this office to file original pleadings.

TRIAL PROCEDURES:



**NO CELL PHONES ALLOWED
DURING TRIALS**

COURT REPORTER

All trials must be reported. Counsel for the Petitioner is responsible for having a court reporter present. Failure to do so may be grounds for cancellation of the trial, and may be considered as grounds for sanctions.

SANCTIONS

Failure to appear for trial will be grounds for sanctions being imposed, including, but not limited to attorney's fees, costs, striking of pleadings, default or dismissal.

CASE DISPOSITIONS

If at any time after the entry of this order, this case is dismissed, or results in a completed settlement, Counsel must immediately notify this Court's Judicial Assistant to remove the case from the trial date by email at WatsonC@circuit19.org. Counsel must expeditiously file all paperwork necessary to close the case.

DAUBERT MOTIONS

Any Daubert motions must be filed at least 15 days prior to the first day of trial and a copy provided to WatsonC@circuit19.org.

INTERPRETER

If needed, interpreter services must be provided by the party needing such services

PROPOSED ORDERS

Proposed Parenting Plans, if applicable, must be filed with the Clerk of Court and a copy to the Court in WORD format at least 48 hours prior to the hearing. Final Judgments must be submitted to the Court in WORD format within 24 hours **PRIOR** to the hearing, unless this requirement is waived by the Court. All Proposed Parenting Plans, Final Judgments and Orders must be emailed to WatsonC@circuit19.org, pursuant to the Court's procedures.

EXHIBITS

Parties are to file an exhibit list with the Clerk prior to trial. Parties should bring a minimum of one (1) original and four (4) copies of all exhibits with them to trial (original to Clerk, copy for each party, copy for the witness and copy for the Court).