

PROCEDURES - ST. LUCIE COUNTY FAMILY DIVISION A-K
MICHAEL C. HEISEY, Circuit Judge
St. Lucie County Courthouse, Courtroom 4B

Judicial Assistant: Lynn Atkinson
St. Lucie County Courthouse, Bldg. B, Suite 448
218 South Second Street, Fort Pierce, FL 34950
Telephone: 772-462-1470

The preferred method of communication with this office is via email: SLCJudge9@circuit19.org

UPDATED: 4/21/2022 8:42 AM

EFFECTIVE IMMEDIATELY - COURT ATTENDANCE

Uniform Motion Calendars, Case Managements Conferences and Non-Evidentiary Hearings one hour or less are via Zoom Video.

Attendance at all Trials and Evidentiary Hearings, including Default Final Hearings are in-person.

Injunction for Protection Hearings (all types) must be conducted in-person.

HEARING PACKETS: See the procedures set forth below in this memo for further information. The moving party shall furnish the Judge by email to SLCJudge9@circuit19.org, a copy of the Motion to be heard, the Notice of Hearing and a Proposed Order in WORD format, ***at least five (5) business days in advance of the date of the scheduled hearing. File names of all documents submitted to this office must contain a short style, short case number and short name of document. Example: 21DR454 Doe v Doe O-Withdraw***

DEFAULT FINAL HEARINGS are in-person and should be scheduled on the Court's regular motion calendar, not on the Court's UMC. The Final Hearing should be scheduled for fifteen minutes to one hour, depending on the issues involved.

COMMUNICATION WITH THIS OFFICE

Ex-Parte Communication: Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge, as this is prohibited ex-parte communication. The Court's staff is not permitted to relay ex-parte information to the Judge. All communication with the Court shall be in open court with all parties present, in writing or by email copied to opposing counsel/party, and/or filed with the Clerk of Court. No party or attorney shall otherwise communicate directly with the Court. ***All emails must include all parties, the style of the case, and the case number or they will be disregarded.***

E-Mail: The preferred method of communication with this office is via email. Emails will receive immediate attention. E-mail correspondence and/or emergency motions to

SLCJudge9@circuit19.org. You must include the opposing counsel or party (if pro se) as a copy recipient on all email correspondence and CLEARLY indicate that you have done so in the email. Email sent to this office must the following in the subject line:

- Case Short Style Name (Smith v Smith)
- Case Number (short case number is sufficient, example: 18DR6)
- Purpose of email: Order, Notice of Cancellation of Hearing, Request for Hearing for more than 1 hour, etc. If you are requesting an **Emergency Hearing**, please clearly indicate in the subject line that it is a **Request for an Emergency Hearing**.
- The body of the email must contain a brief description of the purpose of the email. If a potential hearing date and time over one(1) hour is being requested, you must include a good faith estimate of time needed for the entire hearing (after consulting with opposing counsel/party/ies), and a good faith certification that attempts have been made to resolve the matter and the outcome of those attempts.
- Documents submitted to this office by email should be attached as a document with a file name that is easily identifiable and searchable, and not attached under a “scanned doc” name and the **file name** must contain a short case style & short case number for reference. Example of a simple **file name** for a document: **Smith v Smith 18DR O Set Hearing**.

Pro-Se/Self Represented Parties: *Petitioners and/or Respondents without an attorney are “pro se.” If both parties are pro se/self-represented, they will be referred to the Pro Se Case Manager.* 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.

Motions may be submitted in pdf format. All proposed orders **must be** submitted in **WORD** format. No proposed order submitted in PDF will be accepted. Please submit all documents attached to one email. **DO NOT** submit a proposed order until the motion has been filed.

Multiple Emails Same Subject Matter: **DO NOT** submit multiple emails regarding the same subject matter. A response to your email will be forthcoming at the earliest possible opportunity.

Telephone: If you are unable to email the Judicial Assistant, please do not leave more than one (1) voicemail message. Messages are checked once per day and answered in the order of priority. Please do not leave a voicemail message and send an email regarding the same subject matter.

Please do not contact the Judicial Assistant to ask if orders have been entered, as this information is available online at the Clerk’s office website at www.stlucieclerk.com.

**UNCONTESTED PETITIONS FOR DISSOLUTION OF MARRIAGE
REQUIRE A FINAL HEARING**

INJUNCTION FOR PROTECTION HEARINGS (all types) may not be scheduled using the Online Calendar. *These hearings are set/scheduled by the court, not by the parties and cannot be cancelled or continued without a court order. You must file a motion and submit with a proposed order to the court. **Injunction for Protection Hearings (all types) must be conducted in-person.***

SCHEDULING/CANCELLING HEARINGS

You must provide a copy of the **hearing packet** (*copy of all relevant documents, including but not limited to copies of motions(s), notice of hearing, exhibit to be attached to the final judgment or order, along with a proposed order and any relevant caselaw*) to the court immediately upon filing, but no later than **FIVE (5) business days prior** to the scheduled hearing, SLCJudge9@circuit19.org . All proposed orders must be in **WORD** format. All hearings requiring less than one (1) hour may be scheduled using the Court's online Scheduling calendar located at https://slccjis.stlucieco.gov/attorney_calendar/default.aspx. *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.*

UNIFORM MOTION CALENDAR (UMC)

Hearings may be scheduled using the online calendaring system, UMC hearings are generally conducted on Mondays and Wednesdays, 8:45 a.m. to 9:30 a.m. Prior to setting a matter on the Uniform Motion Calendar (UMC), the party or attorney noticing the motion shall attempt to resolve the matter and shall, in the Notice of Hearing, certify what attempts have been made to resolve the issue without the need for a hearing and the outcome of those attempts.

Hearings on the UMC are limited to ten (10) minutes or less per case (not per motion), five (5) minutes for each side and only non-evidentiary motions will be heard on the UMC. Pursuant to Administrative Order 2015-12, Civil Contempt, Temporary Relief and non-routine evidentiary matters shall not be heard at UMC.

The moving party shall furnish the Judge by email to SLCJudge9@circuit19.org, a copy of the Motion to be heard, the Notice of Hearing and a Proposed Order in WORD format, **at least five (5) business days in advance of the date of the scheduled hearing.**

If you are scheduling a FINAL HEARING, you must verify that both parties have filed all of the required documents for the hearing to take place. Failure to comply will result in the hearing being stricken from the hearing docket.

All Uncontested Petitions for Dissolution of Marriage Require a Final Hearing (via Zoom or in person)

After proper notice, failure of any party to appear at the hearing will not prevent a party from proceeding with the matter when the case is called. If the party noticing the matter for hearing chooses to wait for the absent party, the matter may be passed over until the end of the calendar. If the Judge runs out of time on UMC, any remaining issues will need to be rescheduled.

MOTION HEARINGS/NOTICES FOR HEARING-HEARING PACKET

You must file your motion before setting it for hearing. Hearing dates and times **must be** cleared with the opposing party/counsel for opposing party, noting same on your Notice of Hearing. Submit a copy of the Motion, Notice of Hearing, any relevant Caselaw and Proposed Order/Final Judgment in WORD format to the Judicial Assistant via email **at least five (5) business days in advance of the hearing, ideally in one email.** Notices of Hearings and Ex-Parte Motions **MUST** contain a **GOOD FAITH CERTIFICATION** (see Good Faith Certificate). ***The file name of all documents submitted to this office must contain a short style of the case, short case number and short name of order.***

Exhibits to be attached to a Final Judgment must be included in the hearing packet and they must be properly marked as referenced in the final judgment. The document file name must indicate that it is an exhibit. **Document file name example:** Doe v Doe 21DR32 Exhibit A MSA (Marital Settlement Agreement) (or simply Exhibit A).

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.** The moving party shall furnish the Judge by email to SLCJudge9@circuit19.org, a copy of the Motion to be heard, the Notice of Hearing and a Proposed Order in WORD format, **at least five (5) business days in advance of the date of the scheduled hearing.**

You may schedule all matters, including evidentiary matters that require one (1) hour or less using this system. ***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. You may not schedule multiple hearings in the same case on the same day exceeding one (1) hour.***

DEFAULT FINAL HEARINGS are in-person and should be scheduled on the Court's regular motion calendar, not on the Court's UMC. The Final Hearing should be scheduled for fifteen minutes to one hour, depending on the issues involved.

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.

It is the responsibility of the moving party to remove any hearings from the court calendaring system if the hearing settles or cancels. Any attorney who repeatedly abuses the online calendaring (e.g., not removing hearings from the online calendar) may be denied further privileges of self-scheduling.

EMERGENCY MOTIONS

If you have an emergency hearing, you must efile your emergency motion and submit a copy to the Judicial Assistant by email. 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.

MOTIONS TO WITHDRAW-Rule 2.505 (f) (1) Fla. R. Jud. Admin.

The motion must contain the client's last known address, phone number, including area code and eservice address (if available). If not available, the motion must state, not available. *Additionally, the motion must set forth the next court date or that there are no future court dates. If set for trial, the motion must state the date of trial.*

If a consent by the client has been filed and referenced in the Motion to Withdraw, a hearing is not required. You may submit a copy of the motion and consent with a proposed order in WORD. Please be sure that you follow the Court's posted procedures for submitting proposed order to this office SLCJudge9@circuit19.org. Note: If the consent is obtained after the motion has been filed, you must file an amended motion referencing the consent.

GOOD FAITH CERTIFICATE

Notices of Hearings and Ex-Parte Motions **MUST** contain a **GOOD FAITH CERTIFICATION** that **you** have contacted the opposing party/counsel for 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.

HEARINGS REQUIRING MORE THAN ONE (1) HOUR

Contact the Judicial Assistant by email at SLCJudge9@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. Pursuant to Administrative Order 2015-12, unless otherwise determined by the Court, any party who seeks to schedule a trial or hearing on any contested issue, other than contempt, injunctions against domestic or repeat violence, or Title IV-D actions, which will take more than one (1) hour, SHALL FIRST PARTICIPATE IN MEDIATION. *See Administrative Order 2015-12 for additional information. 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.*

PROPOSED ORDERS

STIPULATIONS: DO NOT submit "Agreed Orders" OR "Stipulated Orders" to this Office. If a stipulation, file the signed stipulation/Stipulated motion and submit a copy along with a separate proposed order on same in WORD format.

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 at SLCJudge9@circuit19.org, in **WORD** format, *along with a copy of the motion* which may be submitted in WORD or pdf format and the notice for hearing, if the matter is set for hearing. Ideally, this should all be sent in one email. *The file name of the document must contain a short style of the case, short case number and short name of order. (SAMPLE: Doe v. Doe 16DR3 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.: 562016DR000001).* **The 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.

Exhibits to be attached to a Final Judgment must be included in the hearing packet and they must be properly marked as referenced in the final judgment. The document file name must indicate that it is an exhibit. **Document file name example:** Doe v Doe 21DR32 Exhibit A MSA (Marital Settlement Agreement) (or simply Exhibit A).

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.

CANCELLATIONS

All hearings scheduled online must be cancelled online no later than 2 PM on the business day before the hearing. A notice of cancellation must be efiled and a copy emailed to SLCJudge9@circuit19.org, no later than 2:00PM the business day before the hearing.

POST JUDGMENT MATTERS

All Post Judgment matters must be referred to the Magistrate. You **must** contact SLCMagistrate@circuit19.org, to request an order of referral. Your email should contain a copy of the filed Motion/Petition. **DO NOT** submit an Order of Referral to Magistrate to Judge Heisey's Office. **Once the Order of Referral is entered 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.

Any post judgment matter not following these procedures will be considered stricken from the Court's Docket without further notice or order.

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. Online filing is available through the Florida Courts E-Filing Portal (www.myflcourtagency.com).

NOTICES FOR TRIAL

Submit your notice for trial in pdf or WORD format **via email to SLCJudge9@circuit19.org.** The notice **shall** include a Good Faith estimate of the time required for trial (coordinate amount of time necessary with the opposing party) and **set forth the relevant pleadings that are to be disposed of.**

After receipt of the notice for trial, you will receive an order setting Docket Call/Pretrial/Case Management Conference. **ALL PARTIES AND COUNSEL ARE REQUIRED TO BE PRESENT AT THE CASE MANAGEMENT CONFERENCE.**



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 Heisey'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 webmaster@circuit19.org



ZOOM VIDEO/VIRTUAL/REMOTE APPEARANCE

At the designated hearing time, you will appear through Zoom teleconferencing (*free of charge*) via **video** by clicking <https://zoom.us/j/5557955019>. You will remain in the Zoom "waiting room," until your case is called and the Court allows entry. **You must rename yourself on Zoom to show your actual name further identifying yourself as follows if appropriate, examples: Interpreter, MH Professional, Atty John Doe, etc.**

Instructions for using ZOOM are located on the [Nineteenth Circuit's Zoom page](#). It is not necessary to have a Zoom account to participate in a remote hearing. However, you may be prompted to download the software, once you have clicked on the meeting link. Additionally, if using a smartphone, you may be prompted to download the [Mobile App](#). This is not necessary. However, you may wish to create an account. Additional information about Zoom is available at www.Zoom.US.

FAMILY MEDIATION

Family mediation involves parties to a divorce, paternity, or family matters. Parties having a combined income of up to \$100,000.00 may utilize the 19th Judicial Circuit Mediation Program. The mediators assist parties in identifying issues, solutions and alternatives, always keeping in mind the best interests of their children when children are involved. The mediator's objective during the session is to help parties reach a mutually acceptable agreement on disputed issues: parenting arrangements, child support, property/debt division, and other issues. **Please see the Mediation Tab on the 19th Judicial Circuit website for more information.**

When submitting an Order of Referral to Family Mediation, your cover letter or email must state the combined income for the parties and that both parties have current financial affidavits of record. Please use the form Order of Referral to Family Mediation. Family Mediation eservice address: adr@circuit19.org and DeLaTejeraM@circuit19.org (do not use mailing address in the service list).

TRIAL PROCEDURES

EVIDENCE/EXHIBITS All Evidence/Exhibits must be pre-marked. Contact the Clerk of Court, Domestic Relations/Family Division for the evidence template(s). Hard copies of all evidence/exhibits, including electronic media must be submitted to the Clerk of Court, Domestic Relations/Family Division, at least two (2) business days prior to the evidentiary hearing/trial. *Review and comply with Court's current posted Evidence/Exhibit Policy (see webpage at www.circuit19.org).* **DO NOT SUBMIT EVIDENCE/EXHIBITS DIRECTLY TO THE JUDGE'S OFFICE.**

Information for Clerk of Court Domestic Relations/Family Division:

Phone (772) 462-6910

St. Lucie County Clerk of Court, Family Division, Attn: Evidence/Exhibit Clerk(s)

Mailing Address: PO Box 700, Fort Pierce, FL 34954

Fed-Ex, or physical drop-off: 201 S. Indian River Drive, Fort Pierce, FL 34950

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 by email at SLCJudge9@circuit19.org. The case **will not** be removed from the court's trial calendar unless the Final Judgment/Final Order has been entered. If the Final Judgment/Final Order has not been entered prior to the trial date and time, the matter will either, proceed to trial or final hearing on the scheduled trial date and time. If final hearing and all required documents have been provided to the court prior to said date and time, the final hearing may be attended via Zoom. **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 SLCJudge9@circuit19.org.

INTERPRETER

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

TRIALS/FINAL HEARINGS - 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** after the hearing, unless this requirement is waived by the Court. All Proposed Parenting Plans, Final Judgments and Orders must be emailed to SLCJudge9@circuit19.org, pursuant to the Court's procedures.

Administering of Oaths

See Florida Supreme Court Administrative Order No. AOSC20-23 (5th Amendment):

Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by audio-video communication technology from a location within the State of Florida, provided they can ***positively identify the witness***.

If a witness is not located within the State of Florida, a witness may consent to being put on oath via audio-video communication technology by a person qualified to administer an oath in the State of Florida.

For purposes of the provisions regarding the administering of oaths, the term "positively identify" means that the notary or other qualified person can both ***see and hear*** the witness via audio-video communications equipment for purposes of readily identifying the witness.