

Magistrate Maria I. Dente

Collier County Courthouse
3315 Tamiami Trail East, Suite 509
Naples, FL 34112
Telephone (239) 252-8331 Fax (239) 252-8870

ZOOM INFORMATION

Magistrate Dente - ID: 2917971812 PW: 075142

Sherry Lucas and **Rose Hansen**, Administrative Assistants

CHANGES IN JUDICIAL ASSIGNMENTS:

As of **June 6, 2023**, all guardianship cases assigned to the UNASSIGNED JUDGE will be assigned to Hon. Ramiro Mañalich.

Magistrate Maria Dente is assigned all referrals from **Hon. Russell Kirshy** and **Hon. Erik Leontiev**.

As of **June 6, 2023**, **all** cases assigned to **Hon. Ramiro Mañalich** will be assigned to **Hon. Russel Kirshy**.

Magistrate Amy Ellis is assigned **all** referrals from **Hon. Kyle S. Cohen**.

SUBMISSION OF EXHIBITS AND PROPOSED REPORTS:

For Zoom hearings: all exhibits shall be filed with the Clerk of Court at least 5 days before the date of the hearing, and paper copies shall be sent to the Magistrate at the same time.

For In-person hearing: all exhibits shall be brought in person to the hearing, tabbed, and with a proposed Exhibit List.

ALL Reports and Recommended Orders and Orders Adopting shall be submitted by email as follows:

- Have the name of the parties and case number in the subject line.
- to CollierMagRecOrder@ca.cjis20.org (In **WORD** format).
- All counsel and pro se parties must be copied on the email where appropriate. NO EX-PARTE COMMUNICATION shall be considered. This email address is ONLY for the submission of cover letters with the Report and Recommendation of the Magistrate and Order Adopting the Report and Recommendation.

Family Hearings:

EFFECTIVE APRIL 1, 2022 – 12.490 RULE CHANGES APPLY ONLY IN

FAMILY CASES

Scheduling Instructions for Family Hearings:

Family hearings shall be scheduled through the Magistrate's Assistants, Sherry Lucas, and Rose Hansen. (239) 252-8670 and (239) 252-4247. Per Judicial Administration Rules, you must coordinate with all parties before selecting a desired hearing time slot.

An Order of Referral must be entered for each matter referred to the Magistrate pursuant to Fla. R. Fam. P Rule 12.490. An **order of referral** to a magistrate must be in effect **prior** to scheduling a hearing.

NOTE: As of APRIL 1, 2022 Rule 12.490 of the Florida Family Law Rules of Procedure has been AMENDED. PLEASE ENSURE THAT THE ORDER OF REFERRAL HAS THE CORRECT LANGUAGE REGARDING THE MOTION TO VACATE.

All family hearings scheduled for ½ day or more will be scheduled for an in-person appearance. If Parties are requesting a ½ day or longer hearing by Zoom their request must be put in writing and may be set for hearing.

All evidentiary hearings scheduled for less than ½ day may be set by Zoom or in person as deemed appropriate by the Magistrate's office based on the particular issues. If Party(ies) are specifically requesting an in-person or Zoom appearance the request **shall** be in writing.

All non-evidentiary hearings will be scheduled via Zoom (Magistrate Dente ID: 2917971812 PW: 075142 Magistrate Ellis ID: 6498541619 PW: 239789).

ALL Recommended Orders and Orders Adopting shall be submitted by email to CollierMagRecOrder@ca.cjis20.org (In WORD format). All counsel and pro se parties must be copied on the email where appropriate NO EX-PARTE COMMUNICATION will be considered. This email address is ONLY for the submission of cover letters with the Report and Recommendation of the Magistrate and Order Adopting the Report and Recommendation.

The Magistrates will NOT hear family emergency hearings.

Fla. R. Fam. P Rule 12.490 was amended to change the procedure after a hearing before the Magistrate. For all hearings pending or scheduled after April 1, 2022, there will no longer be a 10-day exception period after a hearing before the Magistrate. The new procedure will be as follows:

SHOULD YOU WISH TO SEEK REVIEW OF THE RECOMMENDED ORDER MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE A MOTION TO VACATE IN ACCORDANCE WITH RULE 12.490(e), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT

YOUR MOTION TO VACATE, OR YOUR MOTION WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS UNLESS WAIVED BY ORDER OF THE COURT PRIOR TO ANY HEARING ON THE MOTION TO VACATE. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED FOR THE COURT'S REVIEW.

Probate Hearings:

Magistrate Amy Ellis will hear **all probate hearings** and all motions on guardianship after the initial hearing heard by Magistrate Dente. Please refer to **Magistrate Ellis'** instructions for all probate matters.

Scheduling Instructions for Initial Guardianship Hearings:

Magistrate Maria Dente will hear **initial guardianship hearings** on Thursdays at 2 p.m. (on Zoom). In-person hearings may be requested for contested initial guardianship matters. **Initial guardianship** hearings are defined as all hearings before and up to the orders granting the petitions to determine incapacity and appoint a guardian.

Magistrate Maria Dente will hear **all ETG hearings** (on Zoom). ETG hearings will be scheduled by the Court. **NOTE: PARTIES SHALL AGREE TO WAIVE EXCEPTIONS IN ORDER FOR THE MAGISTRATE TO HEAR THE PETITION FOR ETG.** Any ETG hearings where exceptions are **not** waived shall be scheduled by the parties with the assigned circuit judge.

The following items shall be submitted to CollierMagRecOrder@CA.CJIS20.ORG **before** the ETG hearing in **WORD** format.

- **Proposed Report and Recommended Order on Petition for ETG**
- **Order Granting Petition for ETG**
- **Order Appointing ETG**
- **ETG Letters**

All other guardianship hearings will be scheduled pursuant to the schedule for civil hearings with Magistrate Amy Ellis. See Magistrate Amy Ellis' instructions.

MISCELLANEOUS INFORMATION REGARDING ALL HEARINGS:

Except for cancellations, there can be no changes, additions, swapping or other alterations of the motion calendar. A party/attorney scheduling a hearing must draft, file and serve notice of the matter in conformance with the Florida Rules of Civil Procedure and ensure timely notice is served on all pro se parties and counsel of record in advance of the hearing. The original notice must be timely filed with the Clerk of Court. A hearing notice for all hearings that will

be evidentiary in nature and involve the presentation of evidence (affidavits, testimony, exhibits, etc.) **shall** clearly indicate the words "EVIDENTIARY HEARING" on its title. The scheduling party/attorney is responsible for preparing and filing the Order of Referral pursuant to Rule 5.095, FL Probate Rules.

Please do NOT send copies or envelopes for Orders of Referrals unless there are pro se parties.

If you CANCEL a hearing, you are required to file a Notice of Cancellation. You also must immediately cancel it through JACS. If a party has cross-noticed said motion, however, you are required to notify the cross-noticing party prior to JACS cancellation and provide them the opportunity to maintain the previously reserved time if they wish to do so. You may not cancel a cross noticed motion hearing without written consent of the other parties/counsel.

Once a motion is scheduled through JACS, subsequent motions may not be "piggybacked" using the time reserved for the first motion absent prior approval of the Court. This does not preclude an independent reservation of another timeslot during the same hearing period for a different motion on the same case, provided the timeslot is appropriate in length of time for the motion.

If you need 30 minutes, ask for 30 minutes. Please don't ask, "Can I get in sooner if I only ask for 15 minutes?" You can't squeeze 30 minutes of argument in a 15-minute slot. You know it, and we know it. The Magistrate will limit the length of the hearing to the time requested. If you don't finish in time, the motion will have to be rescheduled. When estimating necessary hearing time, remember to include opposing counsel's time!

TELEPHONE

Telephone hours are from 8:00 a.m. to 5:00 p.m. Due to the high volume of phone calls the Civil and Family divisions receive, you will at times not reach the assistant in person. Therefore, when calling and receiving voice mail, please leave your name, telephone number and a brief message.

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