

UNIFIED FAMILY COURT POLICIES & PROCEDURES
HONORABLE CHRISTINE GREIDER

(effective October 7, 2019)

NOTICE OF RELATED CASES IN UNIFIED FAMILY COURT: Petitioners in any family case are **required to file a Notice of Related Case pursuant to Rule 2.545(d), Rules of Judicial Administration.** Related cases shall be assigned to one judge or will otherwise be coordinated in order to conserve judicial resources and to promote an efficient determination of the actions. Family cases include dissolution of marriage, dependency, delinquency, injunctions and all other cases identified in Rule 2.545(d)(2). All parties have a continuing duty to disclose any related proceeding in this state or any other jurisdiction.

Magistrates: In cases involving dissolution of marriage or paternity actions, the parties are encouraged to schedule motions and hearings before a Magistrate. Generally, evidentiary hearings can be heard by the magistrate at an earlier date than if the matter is heard by the judge. Before submitting an Order of Referral to Judge Greider's office for the Magistrate to hear your case, the moving party should confirm that the opposing party will consent to the use of a magistrate for that motion or hearing. When submitting the proposed Order of Referral, the cover letter to Judge Greider shall state whether the opposing party consents to the magistrate hearing the matter. (Please see Magistrate Maria Dente JACS instructions to schedule your hearing).

The following matters may be heard by the Magistrate: Motion to Compel Discovery, Motion for Protective Order, Motion for Sanctions, Motion for Contempt (or Enforcement), Motion for Attorney's Fees, Motion for Temporary Relief, Motion to Amend Pleadings, Motion to Withdraw, Petitions to Relocate, and Petitions to Modify Final Judgment and Final Hearings. In cases where there is a self-represented party or parties, the magistrate may also hear Status/Case Management Conference, Pretrial Conference and Trial (Final Hearing).

DO NOT SET A HEARING WITH THE MAGISTRATE UNTIL THE ORDER OF REFERRAL HAS BEEN ENTERED BY THE COURT.

If a party files a written objection to the referral to a magistrate prior to the hearing, the hearing should be reset on Judge Greider's calendar.

Motion Calendar:

(For Dissolution and Paternity Actions only) Motion calendars are generally set on Mondays and Wednesdays except when there is a holiday or special set by the judge.

(For Dependency Cases): Motions that are filed shall immediately be provided to Dependency Case Manager Judy Groos at jgroos@ca.cjis20.org. Please indicate in your email the number of minutes needed for the hearing and whether you have contacted the opposing party and are unable to reach a resolution of the matter on your own. The Judge will review the Motion and the judicial assistant will contact both parties to schedule the hearing date and time.

Hearing Time: To schedule a hearing, please e-mail Judge Greider's Judicial Assistant at tmorganthal@ca.cjis20.org to request hearing time. Please indicate the amount of time requested, the Motion and copy opposing side. Once you confirm the date and time, with the Judicial Assistant, you will receive a confirmation number that is to be placed on the Notice of Hearing. Hearings times are available in fifteen (15) minute and thirty (30) minute durations. Hearings requiring **more than thirty (30) minutes** must be requested in writing via e-mail copying all parties. Attach copies of the motion(s) to your request as e-filing may take up to seven (7) days to be available for viewing by the Judge. It is not necessary to attach the exhibits to the motion -- only the body of the motion. The Judicial Assistant will reply to the e-mail to all parties and provide extended hearing dates and time to be coordinated amongst one another.

A party/attorney scheduling a hearing must concurrently notice the matter in conformance with the applicable Florida Rules of 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 filed with the Clerk of Court. A hearing that is evidentiary in nature and involves presentation of evidence (affidavits, testimony, exhibits, etc.) should clearly indicate it is an evidentiary hearing on its face.

Telephonic appearance: Hearings via telephone are permitted if the hearing is scheduled for 15 minutes or less and is a **non-evidentiary** hearing. See: Fla. R. Jud. Admin. 2.530(c). If the hearing is scheduled for more than 15 minutes, no telephone appearances are permitted. All telephone hearings in Dependency Cases shall be initiated by the party seeking telephonic appearance from the telephone in the courtroom.

For all other cases, phone hearings must be confirmed through the Judicial Assistant. Telephonic appearances must be approved by the Court by e-filing a Motion to Appear Telephonically and submitting an Order Granting Telephonic Appearance via CourtCall directly to the Judge's office. Telephonic appearances should be noted on the Notice of Hearing along with the JACS confirmation number provided.

Cancellations: All requests for cancellations of motions set on Judge Greider's calendar must be submitted by the attorney or party who set the hearing and the cancellation must be agreed upon by all parties, regardless of who set the hearing. If the cancellation request for a hearing is on a hearing that is set five (5) business days or less from the date of cancellation request, Judge Greider will not allow cancellation of the hearing unless the issues set on the motion calendar have been **completely resolved**. To obtain Court approval of a last minute cancellation request (5 days or less) you **MUST** submit a written request to Judge Greider on your letterhead. The letter must state you have copied all parties and they are in full agreement of the settlement and the cancellation, and that the settlement papers will be forthcoming with the date that the agreement will be filed. The Agreement must be filed within 5 business days of the cancelled hearing. If the hearing cancellation request is on a hearing set at least six (6) business days from date of hearing cancellation request, you may cancel the hearing if you have obtained approval by all parties.

Emergency hearings: All matters considered to be an emergency by a party or counsel must be stated in a written motion that is filed with the clerk and served on the opposing party or counsel, if any. A copy of the motion **must be delivered** to the judge's office after the original has been filed and served. The judge will review the motion to determine if there is an emergency. If so, the judge will decide how to address the emergency with an order to show cause, expedited hearing time, or other appropriate relief. If there is no emergency, hearing time in the ordinary course will be given. All emergency motions must be sworn to and signed by the party. If emergency motion relates to a children's issue, a UCCJEA affidavit must accompany the motion.

Ex Parte Orders: An *ex parte* order is one that is entered without notice to the opposing party and without an opportunity to the opposing party to be heard before the order is entered. In most cases, an *ex parte* order may violate due process of law, and orders that violate due process are void, unenforceable, and a nullity. Nevertheless, the law does allow *ex parte* orders in some situations, e.g. F.S. §741.30(5)(a), which allows an *ex parte* injunction to be entered for protection against domestic violence. Motions for an *ex parte* order must contain specific citations to the legal authority that gives the judge the authority to enter an *ex parte* order in the situation alleged in the motion. Without such legal citations, *ex parte* relief may be denied. Strict compliance with, the applicable Rules of Procedure, is required.

Case Management: In most dissolution of marriage and paternity actions, the Court will enter an Order Scheduling Judicial Case Management Conference to be held within 90 days after the filing of a petition. For cases in which both parties are self-represented, the Court will enter an Order Scheduling Case Management Conference before the assigned Magistrate. The personal appearance of counsel of record and the parties at the case management conference is **MANDATORY**. Bring your calendar to the conference.

Additional case management conferences will NOT be set by the Court unless requested in writing by a party or upon the Court's own motion if complex issues arise.

Motions for Rehearing/New Trial/To Advance Case: Motions for Rehearing, New Trial and to Advance Case must be submitted in writing. Judge Greider will then decide whether a hearing or new trial will be granted. Please send a courtesy copy of the motion directly to the Judge's office with a cover letter. Motions filed with the Clerk may not be seen by the Court. The Clerk does not routinely forward Motions to the Judge's office.

Proposed Orders: Our office will not hold orders pending objections from opposing counsel. Be prepared at the hearing with a proposed order, appropriate copies and pre-addressed stamped envelopes. If you cannot agree on the language in the order at the time of hearing, you may mail a stipulated order after the hearing stating in your cover letter that opposing counsel has reviewed the order presented and has no objection thereto.

All orders must reflect the date on which the matter was heard. The title of the order must reflect and identify the matter heard. (i.e., Order on Husband's Motion for Temporary Relief.) Orders tendered after the hearing that are not stipulated or agreed to by all counsel **will be returned** unexecuted to the party presenting the order. If you can't reach opposing counsel, keep trying. This is not an acceptable reason for submitting an order without prior review by opposing counsel. If opposing counsel does not agree or stipulate to the form of the order, please advise the judge in writing. The judge will then review all proposed orders and enter the order which the Court finds most accurate, or if necessary, will schedule another hearing.

Notices for Trial: Upon receipt of a Notice for Trial, the Court will schedule and hear the pretrial conference in accordance with our standard pretrial order. Please include all pertinent information which includes: number of days estimated for your trial; certificate of service with all parties/counsel complete information, including their mailing address. **DO NOT FILE YOUR NOTICE FOR TRIAL UNTIL YOUR CASE IS READY FOR TRIAL.**

Dissolution of Marriage and Paternity Actions-Trial Dockets: When a Notice for Trial is filed, the following occurs:

1. A photocopy of the notice is sent from the Clerk's office to the Judge's office.
2. The case will be set for pretrial and trial in the order that the Notices for Trial are filed. Cases will be assigned a docket number (e.g., Case #1, Case #2, etc.). In all cases, mediation **MUST** be completed prior to the pretrial conference.
3. The pretrial will generally be set 2 to 4 weeks prior to the first day of the trial docket. Trials will generally start on Wednesday of the first trial week and on Monday of the second trial week (generally it will be a two week trial docket). As stated previously, the cases are set in order that the Notices for Trial are filed; therefore, they will be tried, absent any special circumstances, in the order in which the cases are set on the docket. Once your case is scheduled for trial, it is the responsibility of the lawyers to keep the judge's office informed. Our office cannot possibly call all the lawyers on a trial docket to check the status of each case prior to trial. **Please let us know when you have settled or otherwise disposed of your case.** In general, the sooner you prepare your case for trial, the sooner you will be assigned a trial date.

Once placed on a trial docket, occasionally cases may need to be taken out of order so we can dispose of as many cases as possible in a trial period. We do not give preference to certain lawyers, parties or cases. We put your trial where it will fit.

Continuances: Pursuant to Rule of Judicial Administration 2.545(e), Motions to Continue shall be heard by the judge and not referred to the Magistrate. Except for good cause shown, the motion to continue must be signed by the **party** requesting the continuance.

Telephone: Telephone hours are from 8:30am-4:45pm. Due to the high volume of phone calls the Unified Family Court family receives, it is unlikely you will reach the judicial assistant in person.

Therefore, when calling and leaving a voice mail, please state your name, telephone number (including extension number), case number, and a brief message. Your phone call will be returned. It is not necessary for the Judicial Assistant to call back to confirm that your message was received. Calls of that nature are not returned.

Dependency and Delinquency cases: Dependency and Delinquency cases are confidential in nature. The Judicial Assistant is prohibited from providing telephonic information or updates on these types of cases.

Memoranda of Law/Trial or Hearing Briefs: Any Memorandum of Law, Trial Brief, or Hearing Brief shall be submitted to the Judge or Judge's Chambers at least three (3) business days prior to the date of the hearing or the first day of the trial period for which your case has been scheduled. Such a Memorandum or Brief should not be longer than ten (10) pages and should contain any disputed legal issues for consideration by the Court. Do not submit lengthy notebooks with case law and exhibits to the judge prior to hearing or the trial. They will not be accepted. However, notebooks which contain case law and exhibits may be presented to the judge for reference during the hearing or the trial.

Miscellaneous: Please include a cover letter explaining your request with all pleadings or orders sent to our office. You know what you want - we can only guess when an unexplained pleading or order comes in a month or so after the proceeding to which it relates. In most cases, the unexplained pleading will receive no action or be discarded.

Thanks for your cooperation!

Other People Who Can Help: Terrie, Judicial Assistant (239)252-8132
Court Administration @ (239)252-8800