IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR CHARLOTTE COUNTY, FLORIDA CIVIL ACTION

# STANDING TEMPORARY ORDER

(Reissued February 27, 2019)

THE COURT finds it is in the best interests of the parties and their minor children that this standing order go into effect immediately in cases of dissolution of marriage with children and all paternity actions. This Standing Order may be superseded or modified by other specific orders entered by the Court in this matter.

**UPON THE COURT'S OWN MOTION IT IS ORDERED:**

**1. REMOVAL OF CHILDREN.** Neither party shall remove, cause to be removed, nor permit the removal of, any minor children of the parties from their current county of residence. Neither party shall apply for any passport or passport services on behalf of the children without participation of the other party. This order does not restrict travel within the Twentieth Judicial Circuit (Charlotte, Lee, Collier, Glades, and Hendry counties) nor does it restrict either parent from traveling out of harm's way in the event of a hurricane. Temporary travel within the State of Florida is allowable. Should either party plan to travel with the children that party should advise the other party of the itinerary prior to taking the trip. Children shall not be taken outside the State of Florida without the written agreement of both parties or an order of this Court, except in the event of a hurricane. Should a hurricane require evacuation from Charlotte County, the parents shall communicate so both parents are aware of the evacuating parents' plans. Neither parent shall unreasonably withhold his/her consent for the children to be evacuated.

**2. CHILD SUPPORT.** Because child support can be ordered retroactive to the date of filing the petition herein, this Court encourages the parent with less than a majority of the parenting time to make voluntary payments of child support prior to the entry of an order requiring payment of support. Child support should be in an amount as determined by the Child Support Guidelines, F.S. §61.30. It is advisable that the party making payment do so via check or money order and *retain proof of payments*.

**3. TREATMENT OF CHILDREN.** The safety, financial security and mental well-being of the children involved in this case are of paramount concern. Shared Parental Responsibility is presumptive in Florida. Shared parental responsibility means both parents have a say in making decisions about major issues in their children's lives. 'Major decisions" is defined as having to decide where the child will attend school, whether the child will have non-emergency medical procedures, which pediatrician will be consulted, etc. Under the principles of shared parental responsibility neither parent has more of a say in major decisions than the other parent.

**4. REQUIRED ATTENDANCE IN A PARENTING COURSE:** F.S. §61.21 requires all parties to a dissolution of marriage proceeding with minor children or a paternity action that involves issues of parental responsibility to complete the 4 hour **Parent Education and Family Stabilization Course** prior to the entry of a final judgment. The Court may excuse a party from attending the parenting course for good reason. Each party to a dissolution or paternity action shall file an original certificate of completion with the Clerk of Court. "**Parents, Children, and Divorce**" is offered in Charlotte County and surrounding counties. To enroll, call 800-767-8193. An Internet link to a list of providers approved by the Department of Children and Family Services may be found at:
http://www.dcf.state.fl.us/service-programs/child-welfare/stabilization/index.shtml
As required by F.S. §61.21(3)(c), the list of providers includes online course providers and also correspondence course providers, **~~so~~ thus, a parent located anywhere has the ability to complete the required course.** (If you have trouble with the link above, try again using Internet Explorer or Google.)

A. Required Timeframes for Attendance.

i. Dissolution of Marriage Proceedings:

- Petitioner must complete within 45 days *of the date of filing* the petition.
- Respondent must complete within 45 days *after being served* the petition.

ii. Paternity Actions:

- Petitioner must complete the course within 45 *days after the date of filing* of the petition
- Respondent must complete the course within 45 days –
  - after an acknowledgment of paternity by that party, OR
  - After an adjudication of paternity of that party,
    OR
  - After an order granting timesharing to or support from that party.

B. Cost. Each party shall pay his/her respective cost of attending an approved course. The cost is determined by the agencies providing the different programs. No one shall be refused attendance because of inability to pay.

C. Non-Compliance. If either party does not attend and complete the Parent Education and Stabilization Course, the Court may enter an Order to Show Cause. At a hearing on the Order to Show Cause, the non-complying party will be required to demonstrate why he or she has not attended the Parenting Education and Family Stabilization Course. The Court may impose sanctions, such as a stay of proceedings, the striking of that party's pleadings, or any other sanction the Court finds just, including a fine and/or incarceration for up to but not exceeding six months without a jury trial for indirect criminal contempt.

D. Court Privilege. The Court may, on its own motion, order the parties to attend the program at any time it deems necessary.

**5. CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are directed to refrain from physical, verbal or any other form of harassment of the other, including but not limited to acts done in person or by telephone/internet, at their residence or at work. Neither party should engage in game-playing nor should the children be used as pawns.

**6. DISPOSITION OF ASSETS AND CASH.** Neither party shall conceal, damage, nor dispose of any asset, whether jointly or separately owned, nor shall either party dissipate the value of any asset (for example, by adding a mortgage to real estate) except by written consent

of the parties or an order of Court. Neither party shall cancel or cause to be canceled any utilities (including telephone, electric or water and sewer). The parties shall continue to spend their income in the ordinary course of their personal and family affairs. Neither party shall conceal, hoard, nor waste jointly owned funds, whether in the form of cash, bank accounts or other highly liquid assets, except said funds can be spent for the necessities of life. Any party who violates this order will be required to render an accounting and may be later sanctioned for wasting a marital asset. Petitioner and Respondent must comply with F.L.R.P. 12.285.

**7. PERSONAL AND BUSINESS RECORDS/INSURANCE.** Neither party shall, directly or indirectly, conceal from the other or destroy any family records, business records, or any records of income, debt, or other obligations. Any insurance policies in effect at the time the petition herein was filed will not be terminated, allowed to lapse, concealed, modified, borrowed against, pledged, or otherwise encumbered by either of the parties or at the direction of either party. All insurance policies of every kind will remain the same without change of their terms. All policy premiums will continue to be paid in full on a timely basis unless there is a written consent by both parties or an order of the Court.

**8. ADDITIONAL DEBT.** Neither party will incur additional personal debt which would bind the other spouse nor tie up any assets, except by the written consent of the parties or order of this Court. The parties are strongly urged to temporarily refrain from using joint credit cards except for absolute necessities and only as a last resort. Abuse of credit, especially the other spouse's credit, usually offends the Court's sense of equity and will be dealt with accordingly.

**9. SANCTIONS.** The Court will sanction any party who fails, without good cause shown, to satisfactorily comply with the rules pertaining to the production of financial records and other documents, or fails without good cause to answer interrogatories or attend a deposition, with an award of a minimum of $250 in attorney's fees (or a fine of an equal amount if the spouse seeking compliance has no attorney).

**10. VIOLATION OF THIS ORDER**. Judicial enforcement, due to violation of this order, may result in sanctions against the party found to be in violation of the order.

**11. APPLICATION OF THIS ORDER**. This Standing Order does not supersede or modify other specific orders entered by the Court in this matter. This order shall bind the petitioner upon the filing of this action and shall become binding on the respondent upon service of the order. This order shall remain in full force and effect until further order of the Court. Any part of this order, not changed by some later order, remains in full force and effect. This entire order will terminate once a final judgment is entered.

**The Petitioner shall furnish a copy of this Order to the Respondent with initial service of process.**

**ORDERED** at Punta Gorda, Charlotte County, Florida, on this 27th day of February, 2019.

Mary C. Evans, Circuit Judge

Attachment A: NOTICE TO ALL PARTIES INVOLVED IN FAMILY COURT

**IN CHARLOTTE COUNTY**

**"If you are a person with a disability who needs any accommodations in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Jon Embury, Administrative Services Manager, whose office is located at 350 E. Marion Avenue, Punta Gorda, Florida 33950, and whose telephone number is (941) 637-2110, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled court appearance is less than 7 days; if you are hearing or voice impaired, call 711."**