

## **STANDING TEMPORARY ORDER**

(For all cases filed after June 24, 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 This Standing Order may be superseded or modified by other specific orders entered by the Court in this matter.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 intended 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. In addition, because legal actions between parents are often very stressful on children, parents are encouraged to preserve the status quo in the children's daily lives. This means if the children attend school at X Elementary, leave them there. If the children have dinner with their grandparents every Sunday afternoon, let them continue. If the children are used to having one parent drop them off at school and the other parent pick them up, keep doing that. It is unadvisable for either parent to withhold the children from the other parent. If the children have been seeing both parents and then one parent unilaterally decides to keep the children from the other, the parent who is withholding the children runs the risk of being viewed negatively by the Court and thereafter sanctioned.

**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, **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 supercede 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 Charlotte County, Florida, on this 19<sup>th</sup> day of June, 2019.

  
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Mary C. Evans, Circuit Judge

Attachment A: NOTICE TO ALL PARTIES INVOLVED IN FAMILY COURT

**“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.”**

Attachment A  
**NOTICE TO ALL PARTIES INVOLVED IN FAMILY COURT**

The following are the policies of the Family Law Division of the Charlotte County Circuit Court. Read them carefully. All parties are expected to know and obey these policies.

**COURTROOM CONDUCT AND BEHAVIOR**

All courtroom proceedings shall be conducted with dignity, decorum, courtesy and civility. You may be escorted out of the courtroom if you cannot conduct yourself in accordance with these policies.

1. **BY ORDER OF THE CHIEF JUDGE:** THE USE OF CELLULAR TELEPHONES AND PAGERS IS PROHIBITED IN THE COURTROOM. ALL CELLULAR TELEPHONES AND PAGERS MUST BE TURNED OFF PRIOR TO ENTERING THE COURTROOM AND REMAIN OFF WHILE IN THE COURTROOM. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE SEIZURE OF THE TELEPHONE AND/OR A CHARGE OF CONTEMPT OF COURT.

NO VIDEO OR AUDIO RECORDING IS ALLOWED AT ANY TIME.

2. **Dress appropriately.** Non-business attire such as shorts, tank tops, halter tops, undershirts, and caps or hats should not be worn to court. Judges have the authority to ban persons dressed inappropriately from participating in the proceedings.

3. **Speaking.** A court proceeding is not a free-for-all where one can say whatever one wants whenever one feels like it. Parties do not speak unless they are directed by the Judge or a lawyer to speak and then they should speak only to the Judge or lawyer. Parties are always addressing their comments to the court, NOT the other party. Interruptions, sarcasm, insults, and unresponsiveness answers will not be tolerated and probably won't help your position.

- **DO NOT** argue with or threaten anyone, especially the Judge.
- **DO NOT** use derogatory or disrespectful verbal language.
- **DO NOT** display derogatory or disrespectful non-verbal signs or expressions.
- **THE JUDGE HAS THE AUTHORITY TO HOLD ANYONE IN CONTEMPT OF COURT OR TO EXPEL ANYONE FROM THE COURTROOM WHO INTERFERES WITH COURT PROCEEDINGS.**

4. **Disruptive Behaviors.** While it is understood that parties may be upset or

emotional when they come to court, they are expected to keep their anger and behavior under control.

5. **Children in Court.** CHILDREN ARE NOT TO BE BROUGHT TO COURT WITHOUT PRIOR COURT APPROVAL.

6. **Children as witnesses.** Unless permission has been obtained from the Judge *in advance*, a child *will not be allowed to testify* and should not be brought to the courthouse.

### **APPEARING IN COURT WITHOUT AN ATTORNEY**

7. You may choose to represent yourself in family court proceedings. A self-represented litigant is not entitled to special treatment or privileges, and must follow the same rules of procedure and ethical regulations that govern practicing attorneys. Ignorance of the rules, procedures, statutes, and case law is not a defense or an excuse.

8. The Court must treat a Pro Se party much the same way it treats a lawyer. Pro Se litigants are not expected to be as skilled and knowledgeable as lawyers, but they are subject to the same rules and regulations as a party who has an attorney. Judges are forbidden by law to act as lawyers for unrepresented parties. It is also unethical for Judges to give them special treatment nor can Judges give legal advice. The Judge's Assistant is part of the office of the Circuit Court Judge and is forbidden from doing anything the Judge cannot do.

### **CONTACT WITH THE JUDGE'S OFFICE**

9. A self-represented party is authorized to contact the Judge's office by telephone or e-mail on matters related to scheduling only. There is no other **authorized purpose** to contact the Judge's office. You may not visit the judge's office nor is it permissible for you to speak to the Judge outside of the courtroom. It is not the duty of the Judicial Assistant to listen to parties complain. Judicial Assistants are strictly prohibited from giving legal advice.

- **Judicial Assistants have been instructed to terminate the call should a litigant become abusive on the telephone. Thereafter all communication between that party and the Judicial Assistant shall be via e-mail.**
- **All requests to speak to the Judge on the telephone or to have a**

**private conference *WILL BE REFUSED.***

- **Letters written to the Judge will be filed in the court file and copies will be distributed to all parties. The Judge will not respond, however.**

10. RESOURCES: **Self-Help Services:** A “Self-Help” program for self-represented litigants is administered by the Administrative Office of the Courts. At the Charlotte County Justice Center (second floor), assistance is limited to written information and Notary services. Pre-printed packets of forms for Petitioners and Respondents may be purchased from the Clerk of Courts. **EMPLOYEES IN THESE OFFICES ARE NOT PERMITTED TO PROVIDE LEGAL ADVICE.** They do not act as your legal advisor, nor your clerical support staff. A self-service Law Library is located on the ground floor of the Charlotte County Justice Center.

**Florida State Courts Self-Help Website:** Among other information, family law forms may be downloaded and printed for use in dissolution, paternity, child support, name change, and grandparent visitation cases. The forms are up-to-date, in ready to use format, with all amendments incorporated. All forms are provided free of charge by the Florida Supreme Court at [www.flcourts.org](http://www.flcourts.org). In the middle of the home page is a tab titled SELF-HELP. Family Law Forms is the very first link under that title.

**Florida Bar Lawyer Referral Service:** The Florida Bar Lawyer Referral Service (LRS), provides referrals to attorneys who will conduct an initial one-half hour office consultation for a fee. Interested Parties may call this toll-free number from anywhere in Florida: 1-800-342-8011. An on-line referral is also available at: [www.floridabar.org](http://www.floridabar.org).