

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
COLLIER COUNTY, FLORIDA

CIVIL ACTION

IN RE: The Marriage Of

Petitioner,

and

CASE NO:

Respondent.

\_\_\_\_\_ /

**UNIFORM STANDING TEMPORARY DOMESTIC RELATIONS ORDER**

THE COURT finds it is in the best interests of the parties and any minor children of the above-captioned marriage that the following orders go into effect immediately and shall continue to be in effect until a Final Judgment has been entered by the Court, it is therefore ORDERED and ADJUDGED as follows:

1. **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, by telephone, text, and internet at their residence or acts affecting the work or employment of a party's spouse.
2. **DISPOSITION OF ASSETS AND CASH.** Neither party will conceal, damage, or dispose of any asset, whether jointly or separately owned, nor will 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 Court Order. The parties shall NOT cancel or cause to be canceled any utilities, including telephone, electric or water and sewer. The parties may spend their income in the ordinary course of their personal and family affairs. The parties shall NOT conceal, hoard, or 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, but only if the parties' regular incomes has been expended for such. Any party who violates this Order will be required to render an accounting and may be later sanctioned for wasting a marital asset. The Court may award fewer assets to a violator of this provision to compensate the other spouse.
3. **PERSONAL AND BUSINESS RECORDS.** Neither party will, directly or indirectly, conceal from the other or destroy any family records, business records, or any records of income, debt, or other obligations.
4. **INSURANCE.** All insurance policies of every kind will remain the same without change of their terms during the pendency of this Case. The parties shall NOT terminate, allow to lapse, conceal, modify, borrow against, pledge, or otherwise encumber any insurance policies in effect at the Petition was filed in this Case, nor cause such to occur. The parties SHALL continue to pay in full on a timely basis all insurance policy premiums unless there is a written consent by both parties or Court Order. Neither the parties nor anyone at their direction shall cancel health insurance policies covering

children nor changed the benefits of such that existed as of the date of the filing of the Petition in this Case, unless the Court specifically authorizes it by written Order.

5. **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 Court Order. 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, is contrary to principles of equity and will be dealt with accordingly. Consequences may include the Court awarding the disadvantaged/harmed spouse more assets than the perpetrator of the action(s) and/or or periodic support payments, including some type of alimony.
6. **SANCTIONS FOR FAILURE TO DISCLOSE INFORMATION.** The Court will sanction any party who fails without good cause 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 attorneys fees (or a fine of an equal amount if the spouse seeking compliance has no attorney).
7. **JUDICIAL ENFORCEMENT OF THIS ORDER.** Violation of this Order may result in sanctions against the party found to be in violation of it.
8. **APPLICATION OF THIS ORDER.** This Order shall bind the Petitioner upon the filing of this action and shall become binding on the Respondent upon service of this Order. This Order shall remain in full force and effect until further Court Order. Any part of this Order not changed by some later order remains in effect. This entire Order will terminate once a Final Judgment is entered.
9. **COURT POLICIES:** The policies set forth on the attached "*Notice to All Parties in Family Court*" are hereby incorporated herein and the parties shall comply with them.

**\*\*\*If children are subject to these proceedings the following provisions\*\*\*  
apply also.**

10. **REMOVAL AND SECRETING OF CHILDREN.** Neither party will remove, cause to be removed, nor permit the removal of any minor children of the parties from their current county of residence for residential purposes without written agreement of both parties or Court order. The intent of this restriction is not to prohibit temporary travel within the State of Florida. The children shall not be taken outside the **State of Florida** without the written agreement of both parties or a Court order. Neither party shall apply for any passport or passport services on behalf of the children. While it is not necessary for parents to know the location of their children every minute of the day when the children are in the physical custody of the other parent, both parents are entitled to know the location and phone number where the children are living and/or spending the night when they are in the custody of the other parent.
11. **CHILD SUPPORT.** Because child support can be ordered retroactive to the date of filing the Petition filed in this Case, this Court encourages the voluntary payments of child support prior to the entry of an order requiring such payments. The amount and payor of the child support should be as

determined by the *Uniform Child Support Guidelines*, Section 61.30, *Florida Statutes*. It is advisable that the party making payments retain proof of such.

**12. TREATMENT OF CHILDREN.** The safety, financial security and mental well-being of the children involved in this Case are the most important concern. It is the law that except in certain rare circumstances, both parents will share parental responsibility for all minor children involved in this Case. The law requires that parents share the children's time and participate together in making all important decisions concerning the children. The law expects parents to put aside their feelings and cooperate on all decisions involving the children. The following guidelines shall apply:

- A. Children have the right to a loving, open and continuing relationship with both parents. They have the right to express love, affection and respect for one parent in the presence of the other parent.
- B. Neither parent may alienate a child's affection for the other parent.
- C. Parents must separate any bad feelings for one another from their duties as parents. Their duty is to share the children's time and share in making parenting decisions.
- D. Children have the right to never hear a parent, or a relative or a friend of a parent, belittle or degrade the other parent.
- E. Children have the right to be free of guilt because the parents have decided to separate. They are entitled to honest answers to questions about changes taking place in the family makeup. However, information regarding the divorce case or other related adult subject matter should NOT be discussed with the children.
- F. Parents should never be so preoccupied with their own problems that they fail to meet the children's needs. Never forget that parents' separation usually has a worse impact on the children than on the parents.
- G. Each parent should openly, honestly, respectfully and regularly communicate with the other parent to avoid misunderstandings. Parents should never argue about the children in front of them.
- H. Parents should discuss all differences between them regarding their separation, financial issues and parenting decisions out of the children's presence and their hearing. Both parents shall always try to present a united front in handling any problems with the children.
- I. Children have the right to regular and continuing contact with both parents. Parents should arrange all visitation and exchanges between themselves and not through the children. The children should never be the messenger between the parents.
- J. Visitation plans should be kept and never cancelled unless absolutely necessary. If plans change, children should be given an explanation, preferably in advance and by the parent causing the cancellation.

- K. Common courtesies (politeness, promptness, readiness, calling to notify if one is going to be late) should always be observed when picking up and dropping off children. These times can be very stressful on children, so it is imperative that parents always behave as responsible adults.
- L. Between visits, children should be encouraged to contact the absent parent by letter, phone, text, email, Skype, etc. frequently and continuously.
- M. A parent's access to children and child support are separate and distinct under the law. Accordingly, **a child's right to access to his or her parent does NOT depend upon the payment of child support.**
- N. A child should never be the delivery person for support payments or other communication between the parents.
- O. Both parents are entitled to participate in and attend all special activities in which their children are engaged, such as religious activities, school programs, sporting events and other extracurricular activities and programs.
- P. Parents should share information concerning children's activities and school information.
- Q. Even during dissolution of marriage proceedings, parents should share the responsibility for such tasks as taking children to doctor appointments.

**13. CHILDREN'S BILL OF RIGHTS:** A child has a moral right and should have a legal right:

- A. To receive parental love and affection, discipline and guidance, and to grow to maturity in a home environment which enables him/her to develop into a mature and responsible adult;
- B. To be supported, maintained, and educated to the best of parental ability;
- C. To be reared as a person, within the family, at school and before the law;
- D. To receive fair treatment from all in authority;
- E. To be heard and listened to;
- F. To earn and keep his/her own earnings;
- G. To seek and obtain medical care and treatment and counseling;
- H. To emancipation from the parent-child relationship when that relationship has broken down, the child has left home due to abuse, neglect, serious family conflict, or other sufficient cause, and his/her best interests would be served by the termination of parental authority;
- I. To be free of legal disabilities or incapability's save where such are convincingly shown to be necessary and protective of the actual best interests of the child; and

- J. To receive special care, consideration, and protection in the administration of law or justice so that his/her best interests always are a paramount factor.

**14. REQUIRED ATTENDANCE IN A 4 HOUR PARENTING COURSE:** Pursuant to FLORIDA STATUTE CHAPTER 61.21, all parties to a dissolution of marriage proceeding with minor children shall be required to complete the “**Parent Education and Family Stabilization Course**” prior to the entry of a judgment by the Court. Parents may complete this class on-line. The Court may excuse a party from attending the parenting course for good cause as determined by the Court. **To enroll go to: [www.onlinedivorceprogram.com](http://www.onlinedivorceprogram.com) or Call (239) 693-8893 or Toll-free 1 (800) 767-8193.**

- A. Required Attendance. The Petitioner must complete the course within **45 days** after the filing of the Petition, and the Respondent must complete the course within **45 days** after service of the Petition. The programs are educational programs designed to assist parents and children in making transitions during and after the divorce. A certificate of completion issued by the program for each party must be filed with the Clerk of Court.
- B. Cost. Each party shall pay their own costs of the Parenting Education and Family Stabilization Course. The cost is determined by the agencies providing the different programs. No person shall be refused permission to attend because of inability to pay.
- C. Non-Compliance. If either party does not attend and complete the **Parent Education and Stabilization Course**, the Court will enter an Order to Show Cause and will schedule a hearing date. At the hearing, the non-complying party will demonstrate why he or she has not attended this Course. The Court may impose any sanctions the Court finds just.
- D. Non Residents Opting Out. Either or both parties may request that they opt out of either class by filing an affidavit stating that they are not residents of the Twentieth Judicial Circuit of Florida and cannot attend the program without undue financial or personal hardship. The attorney or attorneys involved in the opting out procedure described above, shall have the responsibility of notifying the **Court** of the fact that the party has chosen the option of not complying with the program by filing the party’s Non-Residency Affidavit with a proposed Order excusing said attendance.
- E. Court Privilege. The Court may on its own Motion, order the parties to attend the program at any time it deems necessary.

**DONE AND ORDERED** at Naples, Collier County, Florida, on this  
the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Honorable  
Circuit Court Judge

## NOTICE TO ALL PARTIES IN THE FAMILY COURT

The following are the policies of the Family Law Division of the Collier 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.**

**BY ORDER OF THE CHIEF JUDGE:**

- 11.1 **The use of cellular telephones and pagers is prohibited in the courtroom. All cellular telephones and pages must be turned off prior to entering the courtroom. Failure to comply with this Order may result in a charge of contempt of court.**
- 11.2 Dress appropriately. Court business is very important. If the parties or attorneys are not dressed appropriately for court, such may show a lack of concern for the case or a lack of respect for the dignity and authority of the Court. Shorts, tank or halter tops, undershirts, and individuals wearing caps or hats are forbidden. The judges have the authority to ban persons not appropriately dressed from participating in the proceedings.
- 11.3 Speaking. A court proceeding is not a free-for-all where people can say whatever they want whenever they feel like it. Parties should NOT speak unless they are directed to do so by the Judge or a lawyer and then they should speak only to the Judge or lawyer. A party NEVER speaks directly to the other spouse in court. Interruptions, sarcasm, insults, and unresponsive answers **will not be tolerated**. Similarly, derogatory or disrespectful verbal or nonverbal expressions will not be tolerated. Do **NOT** start arguments with or threaten anyone. The Judge has the authority to hold you in **criminal contempt and sentence you to jail**, or expel anyone from the courtroom who hinders the orderly conduct of business.
- 11.4 Disruptive Behaviors. While it is expected that parties may be upset when they come to court, they are expected to keep their anger and other offensive behavior under control.

### CHILDREN IN COURT

**It is not appropriate and is generally detrimental to your children to bring them to court, especially small children. Generally, the Court will not permit children of parties to testify as witness.**

1. Children as witnesses. The Parties' minor children are rarely allowed to testify in divorce proceedings because it is unfair to them and rarely serves any useful purpose. Unless permission has been obtained from the Judge **in advance**, a child **will not** be permitted to testify.
2. Children in the courtroom. Parties should NOT bring their children to the courthouse at all. Parties are **strongly urged** to get sitters for children too young to behave properly in court. All children permitted inside the courtroom by specific order of the Judge, **must be quiet and in**

**their seats or under an adult's control** at all times. If a child disrupts the proceedings, the child must be taken out of the courtroom which could cause you to miss what is taking place.

**APPEARING IN COURT WITHOUT AN ATTORNEY (PRO SE)**

**A Pro Se Litigant is a party without an attorney. Such a person is not entitled to special treatment or privileges, and must follow the same laws, rules of procedure and ethical regulations that govern practicing attorneys.**

1. **The Court must treat a Pro Se party much the same way it treats a lawyer.** Pro Se litigants, although not expected to be as skilled and knowledgeable as lawyers, 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. The Judge's Judicial Assistant is part of the office of the Circuit Court Judge and she is forbidden from doing anything the Judge cannot do.
  
2. **What Judges cannot do.** Neither the Judge nor the Judicial Assistant can give a Pro Se Litigant legal advice, practice tips or help in writing court papers. Most questions regarding what to do or how to do it **CANNOT be answered and should NOT be asked. The Family Division has a Pro Se Litigant Program (telephone 1-800-250-7451)** which can answer some questions and offer some guidance. The program staff is neither your lawyer, your legal advisor, or your office support staff. The Collier County Bar Association offers a Lawyer Referral Service. A Pro Se party looking for an attorney can contact the Lawyer Referral Service (LRS) at 239-774-8138. LRS can set up a thirty minute consultation with an attorney for a \$50.00 fee. Thereafter, the attorney and client can arrange for future legal fees, of which ten percent is paid to the CCBA. Collier County Legal Aid also will take some dissolution of marriage cases. (Call 239-775-4555)
  
3. **Contact with Judge's office.** A Pro Se party is authorized to contact the Judge's office by telephone on matters related to the court's schedule and attendance in court. There is **no other authorized purpose** to contact the Judge's office. Visiting the Judge's office is prohibited.

**If anyone insists upon speaking about unauthorized matters after being warned, Judicial Assistants have been instructed to hang up the telephone or call a security guard. All requests to speak to the Judge on the telephone or have a private conference WILL BE REFUSED. Letters written to the Judge which offer or discuss evidence in the case or attempt to influence the Judge's decisions in the case will be filed in the court file and copies distributed to all interested parties. Such communications are strictly forbidden.**