

25 DR 5918 NC

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA, MANATEE, AND DESOTO COUNTY, FLORIDA**

**Administrative Order: 2013-16-12
(Vacates 2013-15A-12)**

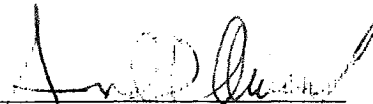
**IN RE: STANDING FAMILY LAW
 COURT ORDER FOR MANATEE,
 SARASOTA AND DESOTO COUNTIES**

WHEREAS, pursuant to the authority vested in Rule 2.215, Florida Rules of Judicial Administration, establishing a standing family law court order that addresses the parties' responsibilities in original actions for dissolution of marriage, separate maintenance, annulment or paternity is necessary for the efficient and proper administration of justice,

NOW, THEREFORE, IT IS ORDERED as follows:

1. A standing family law court order, attached hereto as "Exhibit A" shall be filed in original actions for dissolution of marriage (with or without children), separate maintenance, annulment or paternity. This order does not apply to Title IV child support cases. The Clerk of Court shall reject any filing that does not include a copy of the standing order in original actions described herein.
2. The Clerk of Court shall post a copy of the standing family law court order on its website so that it is readily available to the Petitioner and/or Petitioner's counsel when the case is filed.
3. It is the responsibility of the Petitioner and/or Petitioner's counsel to provide the Respondent with a copy of the standing family law court order by including it with the petition at time of service. In cases where the Clerk of Court forwards the petition to the sheriff's office for service, the Clerk shall verify that the Petitioner included a copy of the standing family law court order for service.
4. Failure to comply with the terms of the standing family law court order may result in appropriate sanctions against the offending party.
5. The prior administrative order regarding the Standing Family Law Order, Administrative Order 2013-15A-12, is hereby VACATED effective today. However, that Administrative Order remains in effect for all cases filed from its effective date of September 20, 2013, until October 15, 2013.
6. This Administrative Order is effective immediately and shall remain in effect until amended by further administrative order of the Chief Judge.

DONE AND ORDERED in Sarasota, Sarasota County, Florida, this 16th day of October, 2013.


ANDREW D. OWENS, JR.
CHIEF JUDGE

Original to: Clerk of Court, Sarasota County

Copy to: All Judges of the Twelfth Judicial Circuit
All Magistrates and Hearing Officers of the Twelfth Judicial Circuit
Walt Smith, Court Administrator, Twelfth Judicial Circuit
Monica Ausborn, Family Court Manager
Clerk of Court, Manatee County
Clerk of Court, DeSoto County
Family Law Section, Sarasota and Manatee County Bar Associations
HOPE Family Services, Inc.
Safe Place and Rape Crisis Center, Inc.
Guardian ad Litem
Family Court Professional Collaborative (FCPC)

“EXHIBIT A”

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA, MANATEE AND DESOTO COUNTY, FLORIDA

ISSUED PURSUANT TO ADMINISTRATIVE ORDER NO. 2013-16-12

**STANDING ORDER FOR FAMILY
LAW CASES**

The following Standing Order for Family Law Cases shall apply to both parties in an original action for dissolution of marriage, separate maintenance, annulment or paternity. This Order does not apply to Title IV child support cases. The Order shall be in effect with regard to the petitioner upon filing of the petition; and with regard to the respondent, upon service of the summons and petition or upon waiver and acceptance of service. The following Order shall remain in effect during the pendency of the action unless modified, terminated, or amended by further order of the court. It is in the best interests of the parties in a family law case to learn about the problems, duties and responsibilities that may arise during their dissolution proceeding. It is also important for the parties to preserve their assets, act in the best interests of their children and comply with Court rules and orders. Therefore, the parties are advised:

1. Contact With Both Parents; Shared Parenting:

- 1.1 Contact with both parents is generally in the children’s best interests. Children are entitled to **“frequent and continuing contact with both parents when the parents separate or divorce”** as a matter of law. It is the public policy of the State of Florida, and this Court that unless an allegation that sole parental responsibility is made in good faith and supported by material, admissible and competent evidence, that this Court will enter a Parenting Plan that authorizes Shared Parental Responsibility.
- 1.2 Both parents have an **“affirmative obligation to encourage and nurture a relationship between the children and the children’s other parent.”** A parent who restricts the children’s access to the other parent and who does not encourage a relationship between the children and the other parent will be required to show how their actions are in the children’s best interest.
- 1.3 In nearly all cases, when the court orders **“shared parental responsibility”** of the children, this means co-parenting. Co-parenting refers to making decisions about the children and taking responsibility for their care. When Shared Parenting is ordered, the parents must confer with each other and agree on all major parenting decisions, like education, healthcare, extra-curricular activities, religious training and discipline. Shared parental responsibility is not the same as a parenting time-sharing schedule. The court also expects parents to confer with each other and

work out their time-sharing schedules. If the parents cannot agree on any issue, then the court will decide.

- 1.4 In cases where Sole Parental Responsibility has been requested and allegations have been made by verified, sworn pleading, the pleading parent continues to have an affirmative duty to allow some form of contact between the children and the opposing parent until such time that an evidentiary hearing regarding a claim for temporary relief is held. Such pleading parent shall not secret, nor relocate the child unless a court order permitting same (such as a domestic violence order or dependency court order) has been entered.

2. Mental Health Professionals and Social Studies:

- 2.1 The court often requires additional information regarding parents and children in high conflict divorce and paternity cases to make the most appropriate decisions for families.

The court's order should dictate the investigative process and may describe the pertinent details and factors that should be evaluated to determine the best interests of the child, as well as a time frame within which the process must be completed. Upon completion of the investigative process, a written report is generally submitted to the court which includes the compliance or non-compliance of the parties in cooperating with shared parental responsibility and time-sharing.

- 2.2 Any mental health professional expert engaged by the parties to prepare a social study or investigation shall be skilled and experienced in shared parenting issues. Should a social study be required, the parties shall choose one qualified mental health professional, who shall be court appointed under F.S. §61.20 or agreed upon by a stipulation signed by the parties. The mental health professional doing a social study may not perform any other role, such as counselor, mediator or parenting coordinator. Compensation of the expert shall be stated in the stipulation of the parties and order of appointment, which shall allocate responsibility of the parties for payment.

3. Parenting Class Required:

- 3.1 Both parents must attend and complete one of the approved courses pursuant to Florida Statute 61.21. In the event that a parent is requesting a restricted timesharing plan with the other parent, said parent shall complete this course before any temporary hearing on same. This course is **mandatory**. Therefore, even if the parties have settled their disputes, they must both attend one of these courses. The parties should not enroll in the same class unless both agree to do so.

3.2 Both parents must attend an in-person classroom instruction in an approved course within forty-five (45) days after this action is filed. In the event that a parent is requesting a restricted time-sharing plan with the other parent, said parent shall complete this course before any temporary hearing on same. **If a certificate of completion for both parents is not in the Court file, the Court may decline to sign a Final Judgment.**

4. **No Residential Relocation of Children:**

Neither party should remove, cause to be removed, nor permit the removal of any minor children from their current county of residence for residential purposes without the notarized written agreement of both parties or an Order of this Court. In the event that a parent removes or causes the removal of a child without an Order of Court, that parent may be sanctioned, including but not limited to the Court striking that parent's pleading for affirmative relief, fines or other sanctions for contempt.

5. **Treatment of Children:**

The safety, financial security, and well-being of the children involved in this case are the court's primary concern. Parents should follow these guidelines:

5.1 It is the law, except in certain rare circumstances, that both parents will share parental responsibility for all minor children involved in this case. The law requires parents to share the children's time and to participate together in making all important decisions concerning the children unless a court order or injunction indicates otherwise. Parents shall put aside their feelings and cooperate on all decisions involving the children. The following guidelines apply:

a). MINIMIZE LOSS: Children experience a series of significant losses as a result of the parents' separation. To a child, parents separating means losing home, family life, loving parents who care about each other, pets, financial security, familiar schools, friends, and a daily routine.

b). MAXIMIZE RELATIONSHIPS: Encourage all relationships which existed for the children before the separation (parents, grandparents, aunts, uncles, friends). Your children will keep the feeling of family when they have pleasant, free access to both parents and both extended families. Your child's identity depends on their feeling they belong to both families. If possible, share the responsibilities (doctors' appointments, transportation) and the joyous events (holidays, movies, birthday parties).

c). PROTECT YOUR CHILD'S FEELINGS AND SENSE OF WELL-BEING: Reassure the children that they are not responsible for the separation and try to avoid blaming the other parent for the separation as this forces a child to "take sides." Avoid confiding in them and sharing details of the adult relationships. While they may want to

protect your feelings, they later feel confused and resentful. Children are harmed when they hear one parent say bad things about the other parent.

d). INCREASE SECURITY: Scientific research confirms that children will suffer now and later if they frequently see their parents in conflict. Raised voices, arguing, hateful remarks, and physical altercations are not suitable for a child's viewing. Do not discuss adult issues at the time of transfers or when the child is present.

e). AGE-RELATED NEEDS: Children of different ages need and benefit from different parenting arrangements. Parents should try to be flexible and should try to tailor schedules as much as possible to reflect their child's developmental needs and individual requirements. You can expect that, as your child gets older, you will need to be more flexible and will need to work harder at communicating effectively and compromising fairly with both your child and the other parent.

5.2 Common courtesies (politeness, promptness, readiness, calling to notify if one is going to be late) must 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.

a). Between visits, children should be encouraged to contact the absent parent by phone, text, or other electronic means frequently and continuously.

b). Parent/child access and child support are separate and distinct under the law. Accordingly, a child's right to access to his or her parent is not contingent upon the payment of child support.

c). A child should never be the delivery person for support payments or other communication between the parents.

d). Both parents are entitled to participate in and attend all special activities in which their children are engaged, such as religious activities, school programs, sports events and other extra-curricular activities and programs, unless there is another court order prohibiting them from doing so. If so, a court hearing will be required to resolve the conflicting orders.

5.3 Temporary Timesharing Plans shall be proposed by each parent and filed with the Clerk of Court by both parents at the time of filing their initial pleading for affirmative relief. Parenting Plan forms are available on the Twelfth Judicial Circuit's website at www.flcourts.org.

a). It is the public policy of this Court to discourage litigation over the children, or their parenting plans, as it is never in the best interests of children to be caught in the middle of a parenting plan dispute, formerly called a "custody battle."

- b). The portion of the Parenting Plans wherein there is agreement should be adopted as a voluntary schedule between the parents and children within the first 45 days of any pleading for affirmative relief.
- c). The portions of the Plans wherein the parents disagree shall be set for a hearing for temporary relief as soon as possible, and the parents and their counsel, if any, are encouraged to enter into Family Mediation as soon as possible to discuss and negotiate their differences. Except in emergencies, mediation should occur prior to even temporary litigation, as litigation itself is divisive.
- d). Neither parent is required to reach an agreement at Family Mediation, however it is this Court's public policy that reaching a resolution at Family Mediation is strongly encouraged as it is a sign that both parents are mature enough to look past their differences and make a Parenting Plan that works for, and is in the best interest of their children.
- e). Parents are reminded that withholding a child from the other parent is not often found by the Courts to be in the best interest of the minor children. Such withholding of a child from the other parent without a sworn, verified statement for Sole Parental Responsibility, is a violation of the child's rights to continue a loving and continuous bond with both parents. Such actions of any parent may be considered by the Court at any hearing on the pleadings for Parenting Plan, and may result in such behavior working against that parent. A sworn statement does not negate an order in existence.

6. Disposition of Assets; Accounting:

- a). Neither party should conceal, damage, transfer, lien or dispose of any asset, whether marital or nonmarital.
- b). Neither party should dissipate the value of an asset.
- c). The parties may spend their incomes in the ordinary course of their personal and family affairs, however, neither parent should undertake new expenses beyond making the basic necessities of their household.
- d). Neither party should conceal or waste jointly owned funds.
- e). Both parties are accountable for all money or property in their possession during the marriage and after separation.

7. Personal and Business Records / Insurance:

- a). Neither party may conceal from the other or destroy any family records, business records, or any records of income, debt, or other obligations.

- b). Any insurance policies in effect at the time the petition was filed should not be terminated, allowed to lapse, concealed, modified, borrowed against, pledged, assigned, surrendered, or otherwise encumbered, including but not limited to any medical, health, life, disability, or auto insurance.
- c). The beneficiaries on all insurance policies should not be changed.
- d). The parties should continue to pay all premiums on a timely basis.

8. Additional Debt:

- a). Each party shall be immediately responsible for their own future debts whether incurred by credit card or loan, security interest or mortgage.
- b). Neither party should incur additional debt, which would bind the other party.
- c). Neither party shall encumber marital assets with additional debt.
- d). Joint credit cards should be used only for necessities of life, and any party using a joint credit card after separation must be prepared to justify all charges as reasonable and necessary for life's necessities.

Attorney's fees and costs may be assessed, as part of any contempt or enforcement action in regard to the requirements of the foregoing sections.

9. Cooperation through Mediation- Reaching a Settlement:

9.1 Mediation is an informal meeting of the parties with a mediator where the parties try to figure out a way to resolve the case on their own terms. A mediator is a trained professional who acts as a neutral and unbiased person who is there to help you and your spouse make your own agreement. Many judges require that mediation occur prior to setting a temporary or contested final hearing. You should become familiar with your assigned judge's rules and requirements by reviewing the Twelfth Judicial Circuit website at www.jud12.flcourts.org.

- a). Most divorce cases are resolved in this cooperative manner. This is a cheaper, faster, better and less stressful way of resolving your case. This allows you and your spouse to create a resolution that works for both of you rather than have a stranger impose an order you would be required to follow. To work, mediation requires both you and your spouse to make some concessions and compromises. Often, neither you nor your spouse will leave with everything you wanted but will have a resolution that you can live with and accept and be able to put the case behind you.

b). Before you schedule a mediation, you and your spouse both must provide to each other and file with the Court a completed Financial Affidavit. Financial affidavit forms are available on the Twelfth Judicial Circuits website at www.jud12.flcourts.org.

c). Before you attend mediation and if you have minor children, you and your spouse should each fill out a proposed parenting plan and bring it with you to the mediation.

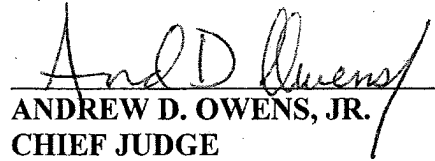
9.2 The judge will require everyone to be respectful, courteous and cooperative throughout your case. The Court can punish unprofessional and uncooperative behavior in any case. Courts view prolonged or needless litigation as uncooperative behavior and may require an uncooperative party or attorney to pay the other party's attorney's fees.

10. Mandatory Disclosure:

Both parties must file and exchange financial affidavits and mandatory disclosure pursuant to Family Law Rule 12.285. Early compliance is encouraged so that parties have an early understanding of the historical financial history of the family, and may assist the parties from excessive litigation expenses concerning mandatory disclosure. Good faith stipulations to extensions for such disclosure are permissible as long as there is no emergency motion for injunctive relief containing allegations of financial dissipation or waste pending before the Court.

10.1. Any party refusing to comply with Rule 12.285 disclosure shall be barred from presenting affirmative information in a hearing concerning financial relief. In other words, both parties are expected to disclose their financial matters and approach the court for temporary or permanent relief with clean hands in order to be heard on their pleadings for affirmative financial relief.

DONE AND ORDERED in Sarasota, Sarasota County, Florida, this 16th day of October, 2013.


ANDREW D. OWENS, JR.
CHIEF JUDGE

**FAILURE TO OBEY THIS STANDING ORDER MAY BE PUNISHABLE
BY CONTEMPT OF COURT. IF YOU WISH TO MODIFY THE
CONDITIONS OF THIS ORDER, YOU MUST FILE AN APPROPRIATE
MOTION WITH THE FAMILY COURT CLERK'S OFFICE IN THE
COUNTY WHERE THE ACTION IS PENDING.**