

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA
FAMILY LAW DIVISION

IN RE: THE MARRIAGE OF

Petitioner

CASE #: _____

and

DIVISION: _____

Respondent

STANDING TEMPORARY ORDER FOR FAMILY LAW CASES

Parties need to understand their duties and responsibilities during the pendency of a family law case. Parties in all family law cases need to preserve their assets and comply with court rules. Parties in family law cases involving minor children have additional duties and responsibilities.

1. Contact with Both Parents / Shared Parenting [applicable in family law cases involving minor children]

It is the law that, in general, contact with both parents is in the children's best interest, and that children are entitled to "frequent and continuing contact with both parents when the parents separate or divorce." Further, the parent who is or wants to be the "parent with majority time-sharing" has an "affirmative obligation to encourage and nurture a relationship between the children and the alternative residential parent." A parent who restricts access of the children to the other parent and does not encourage a relationship between the children and the other parent, for no good reason, perhaps should not be designated the "majority time-sharing parent." Such a parent is not acting in the children's best interest and is not following the law. In nearly all cases, the judge will order "shared parenting" of the children by the parents. This means the parents must confer with each other and agree upon all parenting decisions. Therefore, both parents must participate in all parenting decisions and immediately work out their own time-sharing schedules. If the parents cannot agree on any issue, then the judge will decide.

2. Parenting Class Required [applicable in family law cases involving minor children]

Both parents in this matter must attend and complete one of the approved courses. Completion of one of these courses is mandatory in all cases, contested or uncontested, in which the parties have minor children. Therefore, even if the parties have settled, they must

both attend one of these courses. Both parents must attend an approved parent education class within 60 days after this action is filed. If a certificate of completion for both parents from one of these courses is not in the court file, the judge may not sign a final judgment.

3. No Residential Relocation of Children [applicable in family law cases involving minor children]

Neither party shall remove, cause to be removed, or permit the removal of any minor child of the parties from their current county of residence for residential purposes without the written agreement of both parties or an order by the judge.

4. Treatment of Children [applicable in family law cases involving minor children]

The safety, financial security, and well being of the children involved in this case are the judge's primary 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 parents to share the children's time and to 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 apply:

A. Children have a 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. Children must be free to draw their own conclusions about each parent, without the prejudicial influences of the other parent.

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 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. Separation of the parents usually has a worse impact on the children than on the parents, a fact both parents should never forget.

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 presence of the children. 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 and phone, frequently and continuously.

M. A parent's access to a child and child support, while they may be emotionally connected, 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, sports events and other extracurricular activities and programs.

P. Parents should share information concerning children's activities and school information.

5. Bringing Children to Court is Forbidden [applicable in family law cases involving minor children]

The Family Law Rules require that an order must be obtained from the judge upon a motion and hearing in advance before a child may testify. Therefore, you must not bring children to court if any order allowing them to testify has not been signed, except in the case of adoptions and name changes for a minor who is over 12 years of age.

6. Disposition of Assets [applicable in all family law cases]

It is the law that, generally, neither party should conceal, damage, nor dispose of any marital asset and neither party should dissipate the value of a marital asset. The parties may spend their incomes in the ordinary course of their personal and family affairs. Neither party shall conceal or waste jointly funds, whether in the form of cash, bank accounts, or other liquid assets.

7. Personal and Business Records / Insurance [applicable in all family law cases]

Neither party shall, directly or indirectly, conceal from the other party or destroy any family records, or any records of income, debt, or other obligations. Any insurance policies in effect at the time the petition was filed shall 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. The beneficiaries on all insurance policies of every kind shall not be changed, except by agreement of the parties or a judge's order. The parties shall continue to pay all premiums on a timely basis.

8. Additional Debt [applicable in all family law cases]

Neither party shall incur additional debt, which would bind the other party, or tie up any assets. Joint credit cards shall 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 necessities.

9. Mediation / Alternative Cooperation [applicable in all family law cases]

Mediation is encouraged early in the proceedings. This is an opportunity to reach a reasonable negotiated agreement on some or all issues and may result in substantial savings to the parties. Mediation is mandatory before any temporary relief hearing and within six months of the final hearing. Litigation must be conducted courteously and cooperatively. The judge can sanction unprofessional and uncooperative behavior in any case and may award attorney's fees as required by law if either party or their counsel is found to have been unduly uncooperative, resulting in prolonged or needless litigation.

10. Financial Affidavits / Mandatory Disclosure [applicable in all family law cases]

Both parties must file and exchange financial affidavits and mandatory disclosure in accordance with Florida Family Law Rule of Procedure 12.285.

11. Courtroom Conduct and Behavior [applicable in all family law cases]

All courtroom proceedings shall be conducted with dignity, decorum, courtesy, and civility. All parties and their lawyers must dress appropriately. Shorts, tank or halter-tops, undershirts, and caps or hats are forbidden. A court proceeding is not a free-for-all where anyone, parties and lawyers alike, can say whatever they want whenever they feel like it. A party who is called as a witness must answer only the questions asked and may not volunteer information or make arguments while testifying. Interruptions, sarcasm, and insults will not be tolerated. Do not start an argument with or threaten anyone.

12. Appearing in Court Without a Lawyer [applicable in all family law cases]

A self-represented or “*pro se*” litigant, that is a party without a lawyer, is not entitled to special treatment or privileges, and must follow the same rules of procedure and ethical regulations that govern practicing lawyers. The court must treat a self-represented party the same way it treats a lawyer. Pro se litigants, although not expected to be as skilled and knowledgeable as lawyers, are still subject to all laws, rules and regulations to which lawyers are subject. Judges and their judicial assistants are forbidden by law from giving any legal advice to unrepresented parties. Judges and their judicial assistants must remain entirely neutral and impartial. Judges and their judicial assistants must also not give unrepresented parties special treatment.

The Family Law Division has a Case Management Unit located at the George Edgecomb Courthouse, 800 East Twiggs Street, 2nd Floor, Tampa, Florida, (telephone (813) 272-5173), which can provide forms to parties, provide information concerning resources in the community, answer some basic procedural questions and offer some assistance in scheduling hearings. The program staff is not the lawyer for an unrepresented party, a legal advisor, or a secretarial service.

Contact with the Judge Office – A self-represented party is authorized to contact the judge’s office by telephone to set hearings on the court’s schedule. Personal visits to the office are discouraged because it disrupts the working routine of the office. Judicial assistants assist judges; it is not their job to advise or assist the parties with their case.

13. Service and Application of this Order [applicable in all family law cases]

The original of this order will be filed in the court file of this case. The PETITIONER SHALL SERVE A COPY OF THIS ORDER WITH A COPY OF THE PETITION. This order is binding on 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 effect until further order of the judge. Any part of this order that is not changed by some later order remains in effect. This entire order will terminate once a final judgment is signed by the judge.

IT IS ORDERED in Tampa, Hillsborough County, Florida on this _____ day of _____, 20_____.

Associate Administrative Judge, Family Law Division