

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK, HIGHLANDS, HARDEE COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 5-51.0

**IN RE: STANDING ORDER FOR CONTESTED DISSOLUTION OF
MARRIAGE ACTIONS IN HARDEE, HIGHLANDS, AND POLK COUNTIES**

WHEREAS, to reduce conflict and the negative impact to the parties and their children and to reduce the number of hearings during the beginning stages of contested dissolution of marriage actions; and

WHEREAS, the Judges assigned to the Family Division have developed, with the assistance of the domestic relations divisions in the surrounding circuits, a standing temporary order to be utilized in contested dissolution of marriage cases;

NOW THEREFORE, effective immediately, it is **ORDERED**:

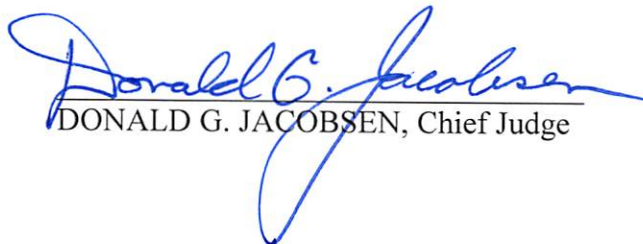
1. APPLICABILITY, SERVICE, AND TERM OF TEMPORARY ORDER: This Standing Temporary Order for Contested Dissolution of Marriage Actions in Hardee, Highlands, and Polk Counties shall apply to all contested dissolution of marriage actions at the time of filing the Petition in Polk, Hardee and Highlands Counties. **The Petitioner shall serve a copy of this Order on the Respondent along with a copy of the Petition.** This Order is binding on the Petitioner upon the filing of the contested dissolution of marriage action and on the Respondent upon service of this Order. This Order will remain in effect until further order of the court, entry of a final judgment, or dismissal of the contested dissolution of marriage action.
2. SHARED PARENTING: If there are children of the parties, the parties are directed to begin discussing a parenting plan. If the parents cannot agree on any issue, then the Court will decide. In such cases, the Court shall order shared parental responsibility unless the Court makes a specific ruling that it would be detrimental to the children. In establishing a parenting plan and time sharing schedule, the Court will analyze the factors set forth in section 61.13(3), Florida Statutes. A parent who wants to have a majority of the time-sharing with the children has an affirmative obligation to encourage and nurture a relationship between the children and the other parent. One of the statutory factors that the Court will consider suggests that a parent who unreasonably restricts access of the children to the other parent should have less time-sharing with the children because such a parent is not acting in the children's best interests and is not following the law. Neither parent may alienate a child's affection for the other parent. Both parents shall participate in all major parenting decisions and shall immediately work out their own time sharing schedules, with each party having substantial overnight timesharing on a regular basis. Each parent shall

protect the child's ability to be free from prejudicial influences of a parent, relative, or friend that belittles or degrades the other parent. Both parents shall review their parenting plan and discuss their differences out of the presence of the children. The children must not be brought to Court unless an order allowing it has been signed. Neither party may change a child's assigned school zone without a written agreement of the parties or an order of the Court.

3. **PARENTING CLASS**: Pursuant to section 61.21, Florida Statutes, all parties to a dissolution of marriage proceeding with minor children must complete The Parent Education and Family Stabilization Course prior to entry by the Court of a final judgment. Completion of the course is mandatory in all cases, contested or uncontested, where the parents have minor children. Therefore, even if the parties have settled, they must both complete the course as expeditiously as possible. The parties should complete the course prior to mediation. Each party to a dissolution action shall file a certificate of completion of the course with the court prior to the entry of the final judgment.
4. **MARITAL ASSETS AND DEBTS**: If the dispute between the parties concerns an equitable distribution of marital assets and debts, the parties' use of funds prior to the final order must be reasonable. Both parties are accountable for preserving marital assets and paying marital debts. Neither party may sell, damage, conceal, or dissipate the value of any marital asset unless by written agreement of the parties or order of the Court. Neither party may incur debt in the name of the other party unless by written agreement of the parties or order of the Court. Reasonable attorney's fees may be determined by the Court to be an obligation of one or both parties as allowed by law.
5. **SUPPORT**: If the dispute between the parties concerns support, the parties should be reasonable in providing for the needs of dependents. Spousal support will be determined based upon the considerations set forth in Section 61.08, Florida Statutes. Child support will be determined by the child support guidelines set forth in Section 61.30, Florida Statutes. The parties are directed follow these guidelines to determine their respective support obligations and must make voluntary support payments prior to entry of the final order. Parties are further directed to keep records of any support payments made to enable the Court to make adjustments for credits as allowed by law.
6. **FINANCIAL DISCLOSURE AND MEDIATION**: Florida Family Law Rule of Procedure 12.285 requires that each party file and exchange financial affidavits and mandatory disclosure. Failure to comply with the rules will likely result in monetary sanctions if compliance is compelled by order of the Court. Financial disclosure shall occur prior to mediation. Unless waived by the Court, mediation is mandatory in contested dissolution of marriage disputes. Mediation will not be mandatory if the Court finds that there has been a significant history of domestic violence between the parties that would compromise the mediation process. The Court encourages parties to mediate early in the proceedings and prior to noticing the case for trial. The parties shall attempt to complete mediation prior to requesting a hearing on any disputed issue.

7. ADMINISTRATIVE PROVISIONS: The parties shall also comply with all administrative provisions for the Family Law Divisions in the Tenth Judicial Circuit, including, but not limited to, those set forth in the Tenth Judicial Circuit's Administrative Order 5-20.7 (including the addendums and exhibits thereto) or as subsequently amended.
8. JUDICIAL ENFORCEMENT: Failure to comply with the terms of this Order may result in appropriate sanctions against the offending party, as permitted by Florida law.

DONE and **ORDERED** on this 27th day of July, 2018.


DONALD G. JACOBSEN, Chief Judge

Original:

Polk County Clerk of Courts

Distribution:

All Circuit and County Judges

Hardee County Clerk of Court

Highlands County Clerk of Court

Polk County Clerk of Court

Nick Sudzina, Trial Court Administrator

Andrea Small, Family Court Manager

Kim Stenger, Civil Division Director

Electronic Bar Mailing