

# **FM-F DIVISION PROCEDURES**

Judge Ashley Wells Cox

Patricia Abraham, Judicial Assistant

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DUVAL COUNTY COURTHOUSE

501 West Adams Street

Hearing Room Number 709

**EMAILING THE JA:** PLEASE put the case number, parties last names, and the motion to be heard in the subject line of your email. For example:

2019 DR 1111, Smith v Smith, Motion for/to ...

**EX PARTE:** Involves uncontested matters, Motions to Set for Trial, Motions to Withdraw as Attorney of Record (with notice to Client), and coordinating hearings in excess of one hour. Ex parte hearings will be held between 9:00 a.m. and 10:00 a.m. on specified dates every month as posted on the Ex Parte Schedule, which can be found at the 4<sup>th</sup> Judicial Circuit Court – Ex Parte Dates & Judge’s Procedures ([jud4.org](http://jud4.org)). **EX PARTE HEARINGS MUST BE SCHEDULED WITH THE JUDICIAL ASSISTANT FOR FM-F.** Email [pabraham@coj.net](mailto:pabraham@coj.net) to schedule an ex parte hearing. Include opposing counsel in all communication with the Court’s JA. Ex Parte hearings will take place via zoom. ALL orders and necessary documentation are to be sent to the Judicial Assistant prior to Ex-Parte. THE HEARING WILL BE CANCELLED AND RESCHEDULED IF DOCUMENTS ARE RECEIVED THE MORNING OF EX-PARTE. Prior to a hearing on an uncontested dissolution of marriage, one party must provide the following: (1) a checklist for entry of the consent final judgment, (2) proper proof of residency, and (3) the signed Consent Final Judgment. A copy of the checklist can be found at 4<sup>th</sup> Judicial Circuit Court – Ex Parte Dates & Judge’s Procedures ([jud4.org](http://jud4.org))

**PUTTING CHILDREN FIRST IN DIVORCE COURSE:** Administrative Orders issued in the Fourth Judicial Circuit and Section 61.21, Florida Statutes, require that parents who are parties to a dissolution of marriage action or a paternity action shall complete a four-hour parenting course offered at: (1) Hope Haven Children's Clinic and Family Center, 4600 Beach Blvd., Jacksonville, FL 32207 (904) 346-5100, (2) First Coast Behavior Solutions, LLC, 2317 Blanding Blvd., Suite 102, Jacksonville, FL 32210 (904) 200-7979, or (3) Jewish Family and Community Services, 8540 Baycenter Road, Jacksonville, FL 32256 (904) 394-5865. The parties are further required to file the Certificate of Completion in the Court file before the entry of a Final Judgment.

**SETTING A CASE FOR TRIAL:** Motions to set for trial and motions to set hearings in excess of one hour are set during ex parte and set as case management conferences. Attorneys must: (1) coordinate a date and time certain with the Court's Judicial Assistant for an ex parte hearing, (2) serve the Notice of Ex Parte Hearing on all parties, and (3) complete and submit to the Court's Judicial Assistant the Trial Memorandum Form found on the web at 4<sup>th</sup> Judicial Circuit Court – Ex Parte Dates & Judge's Procedures (jud4.org) in advance of the Ex Parte hearing.

The Court will prepare the Order Setting Case for Trial and Pre-Trial Conference or the Order Setting Case for Hearing. A schedule of Judge Cox's trial weeks can be found on the web at 4<sup>th</sup> Judicial Circuit Court – Ex Parte Dates & Judge's Procedures (jud4.org). The Court will e-file the Order Setting Trial or Hearing.

**SETTING HEARINGS LESS THAN ONE HOUR IN DURATION:** Hearings lasting one hour or less may be set by contacting Judge Cox's judicial assistant Patricia Abraham at pabraham@coj.net. Please copy the opposing attorney on the email and include the case number, the title of the motion to be heard (which must be filed prior to setting a hearing), and the amount of time needed for the hearing.

**When a case SETTLES prior to the hearing, pre-trial or trial date, PLEASE, IMMEDIATELY contact the Judge's office to remove the pre-trial conferences, hearings, or trials from the calendar.**

**CANCELLATION OF HEARINGS:** When cancelling a hearing, please file a Notice of Cancellation with the Clerk and provide a courtesy copy to the Court via an email to Judge Cox's Judicial Assistant at pabraham@coj.net. If the hearing is imminent, please call 904-255-1306.

**\*\*DOCUMENTS FOR HEARINGS/TRIALS:\*\*** **Anything** you wish the Judge to consider for a hearing, i.e.: exhibits, evidence, caselaw etc., **must be delivered to the Judge by dropping off documents in the designated cart in the Courthouse lobby at least THREE (3) business days before a scheduled hearing on the matter. DOCUMENTS SUBMITTED MUST BE ORGANIZED, TABBED, AND LABELED** and placed in a binder/notebook, if appropriate. Binders/notebooks/documents should be placed in the designated cart for Judges in the Courthouse lobby.

**EXHIBITS:** Exhibits should be exchanged in advance and submitted to the Court at least 24 hours prior to the hearing. Hearings being conducted via Zoom, submissions or documents 25 pages or less should be sent to the Court and opposing counsel as an email attachment. Any submissions or documents exceeding 25 pages should be hand delivered to the Court. Any submissions or documents for an in-person hearing should be brought to the hearing. All exhibits should be tabbed and pre-marked as referenced in the example below.

Case No. 2020-DR-123456 FMXX  
Petitioner/Respondent's Exhibit No. A  
Admitted as Exhibit \_\_\_\_\_  
Date admitted 10/1/2020

**EMERGENCY MOTIONS:** When filing an emergency motion please be mindful that the matter must be: (1) a genuine emergency and (2) the motion must be filed with the Clerk of Court. If seeking an ex parte hearing without notice of hearing, you must state an adequate reason why the other party should not be given notice. Pursuant to Florida Supreme Court Approved Family Law Form 12.941(d), all Emergency Motions for Child Pick-Up Order must be verified/sworn by the movant. Emergency motions should be e-mailed to Judge Cox's Judicial Assistant at pabraham@coj.net or delivered to the Judge's chambers for review. After the Judge has reviewed the motion, the Judicial Assistant will contact the moving party regarding the Judge's decision. Should Judge Cox be out of the office, please follow local rules of procedure by contacting the next division in alphabetical order.

**MOTIONS FOR CONTEMPT:** All motions seeking to hold an opposing party in contempt of Court shall be held in-person.

**MOTION TO COMPEL:**

1. Before filing a Motion to Compel pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a Motion for a Protective Order, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, the attorney for the moving party shall confer with the opposing party or attorney in a good-faith effort to resolve the issues raised, and shall file with the Court at the time of filing of the motion, a statement certifying that the moving attorney or party has so conferred with opposing party or attorney and that they have been unable to resolve the dispute.

**2. When a motion to Compel has been placed on a Judge’s calendar, that motion may not be cancelled without the Judge’s consent.**

3. As provided in Section (4) of Rule 1.380, if the motion is granted, the Court shall award expenses which may include attorney’s fees.

**SUBMITTING PROPOSED ORDERS:**

1. The attorney preparing a proposed Order subsequent to a hearing shall provide an advance copy to opposing counsel.

2. The proposed Order should then be submitted to the Court.

**3. When entitling proposed Orders always designate the particular motion heard, such as “Order Denying Wife’s Motion to Dismiss” or “Order Granting Husband’s Motion for Contempt,” etc. The date the hearing occurred should be included in the first paragraph of the proposed order. Consent Orders shall contain the word “Consent” at the beginning of the caption.**

4. Sufficient number of distribution copies for all parties and stamped addressed envelopes must accompany the Order when/if submitted by mail.

**5. The DONE AND ORDERED clause, along with the Court’s signature line, should be on the same page.** If the last page contains only the date line and/or Judge’s signature line, it must have the title of the Order and the case number on it also.

*6. Full names and complete addresses (or email address) of counsel/parties to whom copies are to be provided should be included on the last page.*

7. Should the Court request complex Orders to be submitted via email, they need to be formatted in Word.

8. The signature line of the Order shall be located on the right border of the page.

9. If **ALL** parties/entities are on e-service, the cover letter and proposed Order may be emailed to the Judicial Assistant.

**MOTION TO WITHDRAW AS COUNSEL:** These motions are heard during ex parte. Please follow Fla. R. Jud. Admin. 2.505(f). Notice of hearing must be mailed/emailed to client.

**TEMPORARY NEEDS HEARING INFORMATION:** All temporary issues are to be set before the General Magistrate. You may call the dedicated number 904-255-1180 between the hours of 9:00 a.m. and 4:00 p.m. to schedule temporary needs and/or post judgment hearings before Magistrates.

**DEFAULT FINAL HEARINGS:** Default Final Hearings must be coordinated with the Court's Judicial Assistant. Default Final Hearings will not be heard during ex parte. The party seeking the default judgment must have filed a proof of service or diligent search prior to the hearing.

**SERVICE BY PUBLICATION:** Except in cases of adoption, pursuant to Section 63.088(5), Florida Statutes, in cases where the Respondent has been served by publication, a diligent search affidavit must be filed that includes, at a minimum, searches for the following:

United States Postal Service  
Internet Search  
Department of Motor Vehicles  
Department of Corrections  
Letters to Armed Forces of the United States

**ADOPTIONS:** The Court does not hear adoption matters during ex-parte. Adoption hearings must be coordinated with the Court's Judicial Assistant. It is not necessary that children attend final hearings, but they are welcome to attend, as are other family members.

**MOTIONS FOR REHEARING:** Motions for rehearing and/or reconsideration must be filed with the Clerk and a copy e-served to the Judge's office at pabraham@coj.net. Please do not call the Judge's office to schedule a hearing on the motion. The Judge will review the motion and either issue an order or the Judge's Assistant will schedule a hearing.

**INTERPRETERS:** The Court will provide interpreters for matters wherein the requesting party is indigent. Attorneys that represent parties who will need the

Court to provide an interpreter should notify the Court's Judicial Assistant of the need for same at the time the hearing is scheduled.

**RECOMMENDATIONS:** If you have a recommendation as to amending or revising our policy or practice, you may email the Court's Judicial Assistant at pabraham@coj.net. Thank you for your courtesies and cooperation.