

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order No. 2019-15-UFC

**ADMINISTRATIVE ORDER ADOPTING AND AUTHORIZING THE USE
OF A STATUS QUO TEMPORARY ORDER IN DISSOLUTION OF
MARRIAGE AND PATERNITY ACTIONS IN THE SEVENTEENTH
JUDICIAL CIRCUIT OF FLORIDA**

(a) Florida Rule of Judicial Administration 2.215 (b) (3) states the Chief Judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(b) The Seventeenth Judicial Circuit (“Circuit”) is compelled to handle family law cases involving dissolution of marriage and paternity.

(c) In dissolution of marriage and paternity actions, the Circuit seeks to: (1) promote the stability of families engaged in such actions; (2) provide guidance to parties in an effort to help parties pattern their behavior and conduct in ways that reduce the negative impact that such proceedings have on the children and all parties involved; and (3) reduce the number of “emergency” hearings during the beginning stages of dissolution of marriage and paternity actions, thereby promoting the stability and preserving the resources of the parties and the court.

(d) It is in the best interest of the parties and any child or children involved, as the case may be, that parents in a dissolution of marriage or paternity action learn about the various problems, duties, and responsibilities of litigation and parenting following separation and divorce, and that the parties preserve their assets and comply with court rules and court orders.

(d) The judges assigned to the Unified Family Division of the Seventeenth Judicial Circuit, after receiving input from the local Family Law Bar, support the use of a status quo temporary order to be utilized in dissolution of marriage and paternity actions, in an effort to achieve the aforementioned goals.

(e) The undersigned finds that it is in the best interest of the parties and any minor child or children of the parents in dissolution of marriage and paternity actions to

adopt and authorize the use of the status quo temporary order in this Circuit, as may be modified as deemed appropriate by the presiding judges in such actions.

(d) In accordance with the authority vested in the Chief Judge by section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

(1) The Status Quo Temporary Domestic Relations Order, With or Without Minor Children (hereinafter referred to as "Order"), attached hereto as Exhibit "A" is hereby adopted and authorized for use in dissolution of marriage and paternity actions in the Seventeenth Judicial Circuit of Florida, as may be generally amended from time to time. The use of the Order is discretionary with each judge, and the terms and conditions of the Order may be modified, terminated, or amended as deemed appropriate by the presiding judge in such actions. If a judge permits the use of the Order, the judge shall indicate such and provide a link to a copy of the Order on his or her Division Procedures.

(2) It shall be the responsibility of the Petitioner and/or counsel for Petitioner to provide the Respondent(s) with a copy of the Order by including it with the petition at time of service.

(3) The Clerk of the Courts shall post a copy of the Order on its website to ensure that it is readily available to the Petitioner and/or Petitioner's counsel when the case is filed.

(4) Any failure to comply with the Order may result in appropriate sanctions against the offending party, as permitted by Florida law.

(5) This Administrative Order supersedes and vacates Administrative Order 2017-77-UFC.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 21st day of February, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge

EXHIBIT "A"

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

STATUS QUO TEMPORARY DOMESTIC RELATIONS ORDER, WITH OR WITHOUT MINOR CHILDREN, ISSUED PURSUANT TO ADMINISTRATIVE ORDER 2019-15-UFC

The following Status Quo Temporary Domestic Relations Order, With or Without Minor Children (hereinafter "Order") shall apply to both Petitioner and Respondent in an original dissolution of marriage or paternity action. This Order shall be in effect as 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 Order shall remain in effect during the pendency of the action unless modified, terminated or vacated, or amended by further order of the presiding judge in the action.

It is in the best interests of the parties in a dissolution of marriage or paternity action to learn about the problems, duties and responsibilities that may arise during their dissolution of marriage or paternity proceeding. It is also important for the parties to preserve their assets, act in the best interests of their children and comply with Court orders and applicable Court rules. Therefore, the parties are hereby advised:

1. **NO RELOCATION OF CHILDREN:** Unless there is a prior court order, domestic violence injunction (permanent or temporary) or agreement signed by both parties, to the contrary, neither party will permanently remove, cause to be removed, nor permit the removal of any minor child of the parties to a location greater than fifty (50) miles from the principal residence of a parent. The intent of this restriction is not to prohibit temporary travel within the State of Florida. Neither party shall apply for any passport nor passport services on behalf of any child or children, without an order of the court from the presiding judge.
2. **CHILD SUPPORT:** Unless there is a prior court order, domestic violence injunction (permanent or temporary) or agreement signed by both parties, if the parties have minor children and choose to live apart while the action is pending, the parent with whom the children are not residing for a majority of the time should make voluntary payments of child support to the other parent, prior to the entry of an order requiring payment of child support. Child support should in an amount as determined by the Uniform Child Support Guidelines, section 61.30, Florida Statutes. Since child support can be ordered retroactive to the date of filing the petition, it is advisable that the party making payment keep proof of the payments and bring them to court. Signed receipts should be obtained for any cash payments. 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.
3. **SHARED PARENTING GUIDELINES:** This paragraph is only applicable to dissolution of marriage cases. These guidelines apply unless there is a prior court order, domestic violence injunction (permanent or temporary) or agreement of the parties to the contrary. The safety, financial security, and mental well-being of the children involved in these cases are of

paramount concern. It is mandatory that parents complete a parenting class and know, understand, and follow the Court's guidelines for parents in dissolution cases with children. The parties are ordered to abide by the principles of shared parental responsibility, which means:

3.1 Both parents shall confer with each other so that major decisions affecting the welfare of the children shall be determined jointly. Such decisions include, but are not limited to, education, discipline, religion, medical, and general upbringing.

3.2 Each parent shall exercise, in the utmost good faith, his and her best efforts at all times to encourage and foster the maximum relations, love, and affection between the minor children of the parties and the other parent. Neither parent shall impede, obstruct, or interfere with the exercise by the other parent of his or her right to companionship with the minor children.

3.3 Each parent shall have access to records and information pertaining to the minor children, including, but not limited to, medical, dental, and school records.

3.4 Neither parent shall make any disparaging remarks about the other parent or quiz the children as to the other parent's private life. It is the children's right to be spared from experiencing and witnessing any animosity or ill-feeling, if any should occur, between the parents, and the minor children should be encouraged to maintain love, respect, and affection for both parents.

3.5 The relationship between the parents shall be courteous and respectful as possible, relatively formal, low-key, and public.

3.6 Each parent has a duty to communicate directly with the children concerning his/her relationship with them to the extent warranted by their age and maturity. Neither parent can expect the other parent to continually act as a "buffer" or "go-between." For example, should either parent be unable to exercise time-sharing, that parent should explain this directly to the child.

3.7 Both parents shall be entitled to participate in and attend special activities in which the minor children are engaged, such as religious activities, school programs, sports events and other extracurricular activities, and important social events in which the children participate. Each parent should keep the other notified of these events.

3.8 The children shall not be referred to by any other last name than the one listed on their birth certificate.

3.9 Each parent has a duty to discuss with the other parent the advantage and disadvantages of all major decisions regarding the children and to work together in an effort to reach a joint decision. For example, this duty would include an obligation to discuss a decision to remove a child from public school in order to enroll the child in private school.

3.10 Neither parent shall conceal the whereabouts of the children, and each parent will keep the other advised at all times of the residential address and phone numbers where the children will be staying while with the other parent. Each parent shall notify the other immediately of any emergency pertaining to any child of the parties.

3.11 Each party shall provide to the other party his or her residence address, residence, work, and cellular telephone numbers, and e-mail address. Each party shall notify the other party, in writing, of any and all changes in his or her residence address and residence, work, and cellular telephone numbers, and e-mail address. Such notification shall be done within five (5) days of any such change and shall include the complete new address or complete new telephone number(s) and/or e-mail address.

4. REQUIRED ATTENDANCE IN A 4-HOUR PARENTING COURSE: Section 61.21, Florida Statutes. All parties to dissolution of marriage proceedings with minor children or to

paternity proceedings shall be required to complete the Parent Education and Family Stabilization Course prior to the entry by the Court of a final judgment, as follows:

4.1 **Required Attendance.** For dissolution of marriage actions, the Petitioner must complete the course within forty-five (45) days after the filing of the petition, and all other parties must complete the course within forty-five (45) days after service of the petition. For paternity actions, the Petitioner must complete the course within forty-five (45) days after filing the petition, and any other party must complete the course within forty-five (45) days after an acknowledgement of paternity by that party, an adjudication of paternity of that party, or an order granting time-sharing to or support from that party. The presiding judge may excuse a party from attending the parenting course for good cause. The programs are educational and designed to assist parents and children in making transitions during and after the divorce. A certificate of completion for each party must be filed with the Clerk of the Courts prior to the entry of a final judgment.

4.2 **Cost.** Each party shall pay their respective cost of the Parent 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.

4.3 **Non-Compliance.** If either party does not attend and complete the Parent Education and Family Stabilization Course, upon filing of an affidavit of non-compliance, the presiding judge 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 the Parent Education and Family Stabilization Course. The presiding judge may impose sanctions, including a stay of proceedings, or any other sanction the presiding judge finds just and permissible under Florida law.

5. **MEDIATION:** Unless there is a prior court order, domestic violence injunction (permanent or temporary) or agreement signed by both parties, the parties are required to attend mediation prior to any final hearing or as otherwise ordered by the Court. The parties may utilize the mediation services provided by this Circuit's in-house mediators or the services of a private mediator.

6. **CONDUCT OF THE PARTIES DURING THE CASE:**

6.1 Both parties are ordered to refrain from physical, verbal, or any other form of harassment of the other, including, but not limited to, acts done in person or by telephone, email, or text messaging at their residence or at work.

6.2 **Mutual No Harmful (Restraining) Contact:** Both parties are enjoined from committing any physical acts of violence against the other. Both parties are further enjoined from threatening any acts of physical violence against the other.

6.3 **No Harassment:** Both parties are enjoined from harassing the other party, whether by telephone, social media, or in person, or otherwise, at home or the other parties' place of employment or any other place the other party may be found.

7. **DISPOSITION OF ASSETS AND CASE:** This paragraph is only applicable to dissolution of marriage cases. Neither party in a dissolution of marriage action will conceal, damage, nor 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 an order of court. Neither party will cancel nor cause to be canceled any utilities, including telephone, electric, or water and sewer. Notwithstanding, the parties may spend their income in the ordinary course of their business, personal, and family affairs. Neither party

will conceal, hoard, nor waste jointly-owned funds, whether in the form of cash, bank accounts, or other highly liquid assets, except that said funds can be spent for the necessities of life. The use of funds or income after separation must be accounted for and justified as reasonable and necessary for the necessities of the party or to preserve marital assets or pay marital debts. Attorney's fees and costs are necessities and must be accounted for by each party. Both parties are accountable for all money or property in their possession after separation and during the dissolution of marriage proceedings. Any party who violates this provision will be required to render an accounting and may be later sanctioned for wasting a marital asset. To the extent there are pending contracts or transactions affected by this paragraph, the affected party may seek relief from the presiding judge, on an expedited basis, if the parties are unable to resolve the issue.

8. **PERSONAL AND BUSINESS RECORDS:** Neither party will, directly nor indirectly, conceal from the other or destroy any family records, business records, or any records in income, debt, or other obligations.

9. **INSURANCE POLICIES:** Any insurance policies in effect at the time the petition was filed, shall not be terminated, allowed to lapse, modified, borrowed against, pledged, or otherwise encumbered by either of the parties or at the direction of either party. This includes medical, hospital and/or dental insurance for the other party or the minor children. Neither party shall change the beneficiaries of any existing life insurance policies. Additionally, each party shall maintain all existing insurance policies in full force and effect, without change of their terms, unless agreed to in writing by both parties. All policy premiums will continue to be paid in full on a timely basis, unless there is an order of the court by the presiding judge or written agreement of the parties to the contrary. In order to modify this provision, or any other provision, the party must follow the procedure set forth in Paragraph 13.

10. **ADDITIONAL DEBT:** Neither party in a dissolution of marriage action may incur any unreasonable debts or additional personal debt which would bind the other spouse, including, but not limited to, further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit/bank cards or cash advances against said cards, except with the written consent of the parties or order of the court by the presiding judge. 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, offends the Court's sense of equity and will be dealt with accordingly.

11. **SANCTIONS:** The presiding judge 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. When setting hearings, conferences, and depositions, an attorney must make a good faith effort to coordinate the date and time with opposing counsel.

12. **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.

13. **SERVICE AND APPLICATIONS OF THIS ORDER:** The Petitioner or Petitioner's attorney shall serve a copy of this Order with a copy of the petition. This Order shall bind the

Petitioner upon the filing of this action and shall become binding on the Respondent upon service of the initial pleading. This Order shall remain in full force and effect until further order of the court. Any part of this Order not changed by some later order or subsequent written agreement of the parties remains in effect. Nothing in this Order shall preclude either party from applying to the presiding judge for further temporary orders or any temporary injunction. Should either party wish to modify this Order, an appropriate motion must be filed with the Family Division of the Broward County Clerk of Courts, and set on uniform motion calendar for the Court to determine the scheduling of a hearing. An evidentiary hearing on a motion seeking enforcement or modification of this Order shall be accorded priority on the Court's calendar. This entire Order will terminate once a final judgment is entered.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 21st day of February, 2019

/s/Jack Tuter
Jack Tuter, Chief Judge