

ADMINISTRATIVE ORDER
NO. 07-95-44-02

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE AND OSCEOLA COUNTIES,
FLORIDA

**AMENDED ADMINISTRATIVE ORDER GOVERNING THE CHILD SUPPORT
HEARING OFFICERS' GENERAL POWERS AND DUTIES PURSUANT TO
FAMILY LAW RULE OF PROCEDURE 12.491 AND PROCEDURES**

WHEREAS, Family Law Rule of Procedure 12.491 applies to proceedings for the establishment, enforcement, or modification of child support, or the enforcement of any support order for the parent or other person entitled to receive child support in conjunction with an ongoing child support or child support arrearage order, when a party seeking support is receiving services pursuant to Title IV-D of the Social Security Act (42 U.S.C. §§ 651 et seq.) upon administrative order of the chief justice; and

WHEREAS, rule 12.491(e) addresses the general powers and duties of child support enforcement hearing officers and empowers the hearing officers to issue process, administer oaths, require the production of documents, and conduct hearings for the purpose of taking evidence; and

WHEREAS, rule 12.491(e) states that the hearing officers do not have the authority to hear contested paternity cases; and

WHEREAS, upon the receipt of a child support proceeding, the child support enforcement hearing officer shall:

- (1) assign a time and place for an appropriate hearing and give notice to each of the parties as may be required by law;
 - (2) take testimony and establish a record, which record may be by electronic means as provided by Florida Rule of Judicial Administration 2.535(h);
 - (3) accept voluntary acknowledgment of paternity and support liability and stipulated agreements setting the amount of support to be paid; and
 - (4) evaluate the evidence and promptly make a recommended order to the court.
- Such order shall set forth findings of fact; and

WHEREAS, rule 12.491(a) states that rule 12.491 shall become effective only when specifically invoked by administrative order of the chief justice for use in a particular county or circuit; and

WHEREAS, by Administrative Order dated February 27, 1998, the Supreme Court of Florida ordered that, pursuant to Family Law Rule of Procedure 12.491, hearing officers may be utilized in this Circuit to consider proceedings for the establishment, enforcement and modification of support in Title IV-D cases;

NOW, THEREFORE, I, Donald A. Myers, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215 and pursuant to rule 12.491, order the following, **effective March 1, 2020**, to continue until further order and superseding any provisions in prior Administrative Order which may be inconsistent:

I. CHILD SUPPORT ENFORCEMENT.

The provisions of Family Law Rule of Procedure 12.491 governing child support enforcement hearing officers shall be followed and enforced in both Orange and Osceola Counties in the Ninth Judicial Circuit.

II. TITLE IV-D DEFINITION.

For purposes of this Administrative Order, a case retains the character of a Title IV-D case only so long as no Termination of Child Support Services has been filed. Once the Department of Revenue has withdrawn from providing Title IV-D services **and** filed a Termination of Child Support Services, the case is no longer considered a Title IV-D case and shall not be heard before the support hearing officers.

III. CHILD SUPPORT NOTICES OF HEARING/NON-JURY TRIAL.

A party shall provide timely notice to a child support hearing officer that a support proceeding requiring a hearing has been filed with the Clerk of Court. The notice shall be in the applicable form as attached hereto. The original notice shall be delivered to the hearing officer, together with sufficient copies of the notice for service to all parties and with stamped, addressed envelopes bearing the party's return address.

The notice shall indicate the party's estimate of the length of time required for the hearing and shall not be set for less than the minimum time listed on the schedule of times. It is the responsibility of the party providing the Notice of Hearing to request adequate time for the motion or trial. The notice shall also contain a requested date and time for the hearing as appears to be available in the hearing officer's online calendaring program. The party providing the notice must coordinate the requested hearing time with any other counsel of record in the case.

Timely notice to the hearing officer requires that the notices and envelopes be provided to the hearing officer no less than 30 days before the requested hearing date and no less than 45 days before the requested trial date. For motions requiring an expedited hearing by law, the required notices must be provided no less than 10 days before the requested hearing date.

Upon receipt of the notice detailed above, the hearing officer shall assign a time and place for the hearing and give notice to each of the parties as may be required by law.

IV. SCHEDULE OF TIMES.

- All motions shall be set for minimum of 15 minutes.
- Non-jury trials on Petitions for Enforcement of Administrative Support Order and Petitions for Modification (to extend child support only) shall be set for minimum 15 minutes.
- Non-jury trials for any other petition shall be set for minimum of one-half hour. If an interpreter will be needed and/or there are multiple calculations of support to be made, please adjust the requested time accordingly.
- If you are delivering notices for multiple cases in Orange County, please provide the notices and envelopes separated by case and separated by the assigned hearing officer. Hearing Officer Groves is assigned those cases with a case number ending in 0, 1, 2 or 3; Hearing Officer Ferrer is assigned those cases with a case number ending in 4 or 5; and Hearing Officer Hepner is assigned those cases with a case number ending in 6, 7, 8 or 9.

V. RELATED CASES.

Please review and be aware of Amended Administrative Order 2017-10-02 (as may be amended) Governing Unified Family Court, Orange County and Amended Administrative Order 2005-16-09 (as may be amended) Governing Unified Family Court and the Assignment and Scheduling of Domestic Relations and Juvenile Cases, Osceola County. In instances where there is a party subject to a domestic violence injunction, the case may need reassignment and hearings with the assigned domestic violence division judge.

VI. VACATING ADMINISTRATIVE ORDER.

Administrative Order 07-95-44-01 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 28th day of February, 2020.

_____/s/_____
Donald A. Myers, Jr.
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

THE STATE OF FLORIDA,
DEPARTMENT OF REVENUE,
On Behalf Of:

CASE NO: DR

Petitioner,

vs.

Respondent.

_____ /

NOTICE OF HEARING

TO:

YOU ARE HEREBY NOTIFIED that the undersigned will call up for hearing before the Court Appointed Hearing Officer, on the 5th floor, Room 540 at the Orange County Courthouse, 425 North Orange Avenue, Orlando, Florida 32801, on the _____ day of _____, 20__ at _____ or as soon thereafter as the same can be heard, the following:

(filing date)

_____ hour(s)/_____ minutes have been reserved for this hearing.

If this is a contempt motion, FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF ARRESTED, YOU MAY BE HELD IN JAIL FOR UP TO 48 HOURS BEFORE A HEARING IS HELD.

You are strongly urged to prepare and file a Florida Family Law Rules of Procedure Financial Affidavit, prior to the hearing, as your ability to pay is a critical issue in this contempt proceeding.

You will be provided a financial affidavit to complete before your hearing and an opportunity at the hearing to respond to allegations and questions about your present financial status.

You are advised that electronic recording is provided by the court. A party may provide a court reporter at the party's expense.

Page Two
Case No.:

If you are represented by an attorney or plan to retain an attorney for this matter, you should notify the attorney of this hearing. Children are not permitted to attend hearings.

The party providing this notice certifies the date and time has been coordinated with any/all opposing counsel, or at least three attempts have been made to coordinate the date and time.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

I hereby certify that a true and correct copy of the foregoing has been furnished by E-mail to the Department of Revenue contract attorney and by U.S. Mail to the above named addressee(s) this _____ day of _____, 20____.

Judicial Hearing Officer

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR OSCEOLA COUNTY, FLORIDA

THE STATE OF FLORIDA,
DEPARTMENT OF REVENUE,
On Behalf Of:

CASE NO: DR

Petitioner,

vs.

Respondent.

_____ /

NOTICE OF HEARING

TO:

YOU ARE HEREBY NOTIFIED that the undersigned will call up for hearing before the Court Appointed Hearing Officer, on the 3rd floor, Room 3203 at the Osceola County Courthouse, 2 Courthouse Square, Kissimmee, Florida 34741 on the _____ day of _____, 20__ at _____ or as soon thereafter as the same can be heard, the following:

(filing date)

_____ hour(s)/_____ minutes have been reserved for this hearing.

If this is a contempt motion, FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF ARRESTED, YOU MAY BE HELD IN JAIL FOR UP TO 48 HOURS BEFORE A HEARING IS HELD.

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The party providing this notice certifies the date and time has been coordinated with any/all opposing counsel, or at least three attempts have been made to coordinate the date and time.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, Florida, 34741 (407) 742-2417, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

I hereby certify that a true and correct copy of the foregoing has been furnished by E-Mail to the Department of Revenue contract attorney and by U.S. Mail to the above named addressee(s) this _____ day of _____, 20____.

Judicial Hearing Officer

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE/OSCEOLA COUNTY, FL

THE STATE OF FLORIDA,
DEPARTMENT OF REVENUE,
On Behalf Of:

CASE NO: DR

Petitioner,

vs.

Respondent.

_____ /

NOTICE FOR NON-JURY TRIAL

Pursuant to Rule 12.440, Florida Family Law Rules of Procedure, the party signing below states that the case is ready to be set for non-jury trial.

The estimated time required for the parties to present their cases is: _____ (minutes) or _____ (hours). The party below requests the _____ (DATE) and the _____ (TIME), which appear to be available in the hearing officer's online calendaring program, and certifies the date and time have been coordinated with any/all opposing counsel or at least three attempts have been made to coordinate the date and time. *If the date and time is not available the hearing officer will assign another date and time.*

The matter to be heard at trial is

(filing date)

I certify that a copy of this document has been furnished by U.S. Mail or email to the other party or his/her attorney this _____ day of _____, 20__ at

_____.

Signature of Party or Attorney

Printed Name

Florida Bar No.

Address

City, State, Zip code

Telephone Number

Designated E-mail Addresses