

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
11-10-S
SUPERSEDES 05-15-S AMENDED

**IN RE: DOMESTIC RELATIONS – FAMILY DIVISION – STANDING TEMPORARY ORDER
IN DOMESTIC RELATIONS CASES SUCH AS DISSOLUTION OF MARRIAGE,
PATERNITY AND DOMESTIC VIOLENCE**

Whereas certain issues recur in family court actions including but not limited to Paternity and Dissolution of Marriage actions involving minor children and it is in the best interest of the parties and the children of the action to order certain temporary relief, it is hereby Ordered and Adjudged as follows:

1. **RELOCATION OF CHILDREN:**

Neither party shall change their residence beyond a fifty (50) mile radius from their current residence, nor shall either party change a child's customary school district or day care arrangement without the written agreement of both parties or an order of this court.

2. **CHILD SUPPORT:**

In most cases, child support will ultimately be ordered retroactive to the date when the parties discontinued residing together in the same household with the child. To avoid the accumulation of retroactive arrearages, the parent who has the obligation (based on income and contact) should immediately begin making voluntary payments of child support even prior to the entry of an order requiring payment of child support. The parties should review Section 61.30, Florida Statutes to assist in determining an appropriate child support amount. Any payments made by one parent to the other parent during this retroactive period shall be considered by the court in determining any retroactive arrearage. Receipts should be retained.

3. **PARENTING CLASS REQUIREMENT:**

Pursuant to Section 61.21, Florida Statutes, both parties in a Dissolution of Marriage proceeding involving children, must complete the Parent Education and Family Stabilization Course, and provide proof of the course's completion, within sixty (60) days after receipt of this order. Completion of this course is required in both uncontested and contested cases and is a condition precedent to entry of final judgment. Additionally, the attached "shared parenting guidelines" are

provided to assist both parties with better understanding their parental responsibilities throughout the duration of a dissolution case. While these guidelines are not specifically ordered by the court at this time, compliance or noncompliance with them shall be considered by the court in future child related matters.

4. NON-DISPARAGEMENT:

Neither party shall disparage the other party to, or in the presence of, the minor child(ren), nor permit any third person to do so.

5. NO HARASSMENT:

Both parties are enjoined from harassing the other party, whether by telephone or in person, or otherwise, at home or the other parties' place of employment or any other place the other party may be found.

6. MUTUAL RESTRAINING ORDER:

Unwanted physical contact between a husband and a wife may be a crime and will be vigorously prosecuted. Failure to obey this order may result in the issuance of a restraining order or contempt proceedings. Contempt of court is punishable by a jail sentence.

7. PROPERTY:

Property generally includes all assets acquired during the marriage, individually or jointly, such as gifts to each other during marriage; all vested and non-vested benefits, rights and funds accrued during marriage in retirement, pension, profit sharing, annuities, deferred compensation, insurance plans and programs; land, houses, buildings, furniture, TVs, VCRs, appliances, household furnishings, motor vehicles, funds, money market accounts, IRAs, 401-Ks and other accumulations. Neither party shall sell, donate, pledge, conceal, damage, encumber, or otherwise dispose of any marital or non-marital property without the prior written consent of the other party or court order. These restrictions exclude cash, checking accounts or other sources of funds customarily used to pay ongoing living expenses of the parties or marital debt or other recurring marital obligations of the parties, limited to the amounts actually required to pay those recurring obligations. Both parties shall be held accountable for all money or property possessed during the marriage and after separation.

8. INSURANCE POLICIES:

Any insurance policies, including but not limited to health, auto, life, homeowners, disability, etc., in effect at the time of the filing of the Petition for Dissolution of Marriage shall not be cancelled, allowed to lapse, concealed, modified, borrowed against, pledged or otherwise encumbered by either of the parties, or at the direction of either party, unless there is written consent by both parties or a court order. Both parties shall continue to pay premiums in a timely manner unless there is a written consent by both parties or a court order.

9. PERSONAL AND BUSINESS RECORDS:

Neither party may, directly or indirectly, conceal from the other, or destroy, any family records, business records, income records, debt records, or records of any other obligations.

10. ADDITIONAL DEBT:

Both parties are prohibited from incurring any additional debt which would operate to bind the other party or mutual property. This prohibition specifically includes, but is not limited to, the use of joint credit cards, which shall be used exclusively for the necessities of life and only as a means of last resort. Any party using a joint credit card must be prepared to justify any charges as reasonable for necessities.

11. APPLICATION AND TERM OF THIS ORDER:

The Clerk of Court shall provide a copy of this order to the Petitioner or Petitioner's counsel when the Petition for Dissolution of Marriage or Paternity Complaint is filed. The Petitioner shall attach and serve a copy of this order to the process to be served on the Respondent along with the Petition for Dissolution of Marriage. This order shall become binding on the Petitioner upon the filing of this action and binding on the Respondent upon service of this order. This order shall remain in full force and effect until the entry of a final judgment, a dismissal of this cause, or until the entry of a subsequent temporary order, whichever shall occur first.

DONE AND ORDERED this 17th day of March, 2011.

J. PRESTON SILVERNAIL
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CHIEF JUDGE

Distribution:

All Circuit and County Judges (Seminole County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Seminole County)
Public Defender (Seminole County)
State Attorney (Seminole County)
Sheriff (Seminole County)
Bar Association (Seminole County)
Law Library (Seminole County)

SHARED PARENTING GUIDELINES

The safety, financial security, and well-being of the children involved in this case are the court's primary concern. Parents should follow these guidelines until the entry of a subsequent order by the court.

It is the law, except in certain rare circumstances, that 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. Therefore, parents must recognize the following:

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.

Neither parent may alienate a child's affection for the other parent.

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.

Children have the right to never hear a parent, or a relative or friend of a parent, run down or degrade the other parent.

Children have the right to be free from guilt because the parents have decided to *separate*. They are entitled to honest answers to questions about changes taking place in family makeup.

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.

Each parent should openly, honestly, respectfully, and regularly communicate with the other parent to avoid misunderstandings. They should never argue about the children in front of them.

Parents should discuss all differences regarding their separation and financial issues between them and parenting decisions out of the presence of the child. Both parents should always try to present a united front in handling any problems with the children.

Generally, children have the right to regular and continuing contact with both parents. Parents should arrange all visitations and exchanges together and not through the child. The child should never be the messenger between the parents.

Plans for contact with children 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.

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.

Between visits, children should be encouraged to contact the absent parent by letter and phone, frequently and continuously.

Parent/child access and child support, while they may be emotionally connected, are **separate and distinct** under the law. Accordingly, a child's right of access to his or her parent is not contingent upon the payment of child support.

A child should never be the delivery person for support payments.

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.