

IN THE CIRCUIT COURT OF THE 16TH JUDICIAL
CIRCUIT OF THE STATE OF FLORIDA IN AND FOR
MONROE COUNTY

ADMINISTRATIVE ORDER: 5.042

IN RE:
STANDING DOMESTIC
RELATIONS ORDER

WHEREAS, the Sixteenth Judicial Circuit is committed to effectively resolving disputes involving children and families and providing procedural fairness to all parties;

WHEREAS, it is in the best interests of the parties in a family law case to learn about their duties and responsibilities and to ensure the parties preserve their assets and comply with the court rules;

WHEREAS, the establishment of a Standing Domestic Relations Order addressing the parties' responsibilities in original actions of dissolution of marriage, as well as actions for alimony, paternity determination, child support, parental responsibility and timesharing, and supplemental proceedings thereto, is necessary for the efficient and proper administration of justice;

THEREFORE, IT IS ORDERED and **ADJUDGED** the following procedure concerning a circuit-wide Standing Domestic Relations Order shall be followed in the Sixteenth Judicial Circuit:

- (1) A Standing Domestic Relations Order, ("Standing Order") attached hereto, designated as Exhibit "A" shall be issued in original actions of dissolution of marriage, actions for alimony, paternity determination, parental responsibility and timesharing, child support and supplemental proceedings related thereto.
- (2) The Standing Order shall be issued and filed by the Clerk of Court upon initial filing of the action or supplemental proceeding. The terms of this order are effective for the Petitioner upon filing of the Petition. The terms of this order are effective for the Respondent upon service of the summons and petition, or upon waiver and acceptance of service.
- (3) The Clerk of Court shall provide a copy of the Standing Order to the Petitioner or Petitioner's Attorney at the time of filing and shall include a copy of the Standing Order in the initial service packet to be served upon the Respondent. The Petitioner must serve a copy of the Standing Order with the initial service packet.
- (4) The terms of the Standing Order will remain in place during the pendency of the action unless modified, terminated or amended by order of the Court.
- (5) Failure to comply with the terms of the Standing Order may result in appropriate sanctions against the offending party.

DONE AND ORDERED in Key West, Monroe County, Florida this 24th day of March 2025.


BONNIE J. HELMS, CHIEF JUDGE

EXHIBIT "A"

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT IN AND FOR MONROE COUNTY, FLORIDA

STANDING DOMESTIC RELATIONS ORDER

Pursuant to Administrative Order 5.042 of the Sixteenth Judicial Circuit, this order applies to the parties involved in original actions of dissolution of marriage (with or without children), actions for alimony, paternity determination, parental responsibility and timesharing, child support and supplemental proceedings related thereto. The Court finds it is in the best interests of the parties in a Family Law case to learn about the issues, duties and responsibilities that may arise during the course of their family law case. It is in the best interests of the parties to this action and to any minor children, to issue this Order, it is therefore:

ORDERED AND ADJUDGED as follows:

1. TERM OF ORDER:

This Order shall remain in full force and effect during the pendency of the action unless modified, terminated, or amended by further Order of the Court upon motion of either of the parties.

2. SERVICE AND APPLICATION:

Upon the initial filing of the action or supplemental proceeding, this Order shall be issued and docketed by the Clerk of Court. The Clerk of Court shall provide a copy of the Standing Order to the Petitioner or Petitioner's Attorney at the time of filing and shall include a copy of the Standing Order in the initial service packet to be served upon the Respondent. The Petitioner must serve a copy of the Standing Order with the initial service packet. This Order shall be effective for the Petitioner upon filing of the Petition. The terms of this order are effective for the Respondent upon service of the summons and petition, or waiver and acceptance of service.

3. DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS:

Pursuant to the Florida Rules of General Practice and Judicial Administration, Rule 2.516(b)(1)(C)&(D), a party not represented by an attorney is *required* to designate a primary *e-mail address* for service unless excused by the Clerk of Court or unless the party is in jail. In order to request to be excused, a party must complete the Florida Rule of General Practice and Judicial Administration, Form 2.601 and under penalty of perjury declare that the party does not have an e-mail account or does not have regular access to the internet. Form 2.601 shall be submitted to the Clerk of Court for consideration.

4. CONDUCT OF THE PARTIES DURING THE CASE:

Both parties are directed to refrain from physical, verbal or any other form of harassment of the other party, including but not limited to acts committed in person or by telephone and at the other party's residence or work. Failure to abide by this Order may result in the issuance of a restraining order punishable by incarceration if violated.

5. NO SALE, ENCUMBRANCE, TRANSFER OR DAMAGE OF ASSETS:

Neither party shall sell, transfer, encumber, conceal, assign, remove, or in any way dispose of without the consent of the other party in writing, or without an order of the Court, any real or personal property, individually or jointly held by the parties, except in the usual course of business or for the customary and usual household expenses or for reasonable attorney's fees in connection with this action. Both parties are accountable for all money or property in their possession during the marriage and after separation. Any

irregularities in accounting the assets may cause a party to be sanctioned for wasting marital assets, which could include an award of attorney's fees and costs to the other party.

6. NO CONCEALMENT OR DESTRUCTION OF ANY RECORDS/INSURANCE POLICIES:

Neither party may conceal from the other or destroy any family records, business records, or any records of income, debt or other obligations. Any insurance policies in effect at the time the petition was filed shall not be terminated, allowed to lapse, be concealed, modified, borrowed against, pledged or otherwise encumbered. This should include 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, and each party shall maintain the existing life insurance, automobile insurance, homeowner's or renter's insurance policies in full force and effect. The parties shall continue to pay all premiums on a timely basis, unless there is a written consent by both parties, or an order of the Court.

7. ADDITIONAL DEBT:

Neither party shall incur debt that would bind the other spouse or tie up any assets, except by the written consent of the parties or order of the Court. This shall include action by either party resulting in a decreased ability to pay, or increased need for support or family expenses. The parties are strongly urged to temporarily refrain from using joint credit cards except for absolute necessities and only as a last resort. Any party using a joint credit card after separation must be prepared to justify all charges as reasonable and necessary for life's necessities.

8. RELOCATION OF CHILDREN:

Neither party may permanently relocate minor children of the parties to a location (50) miles or more from their primary residence, nor cause minor children of the parties to be moved fifty (50) miles or more from their primary residence without the written consent of the other party or Court order. Any relocation must comply with the provisions of 61.13001, Florida Statutes.

9. CHILD SUPPORT: If there is an existing court order for child support or a child support agreement signed by both parties, the parties may continue to follow the terms of that order or agreement. 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. Since child support can be ordered retroactively, it is advisable to make support payments and retain proof of payment in order to receive proper credit. Parent/child access and child support are separate under the law, therefore, a parent may not deny access to a child as a contingency for payment of child support.

10. CHANGE OF ADDRESS FOR CASES WITH CHILD(REN):

If the parties have a child or children in common, a party changing primary residence shall notify the other party or the party's attorney, in writing within 48 hours of such a move, and of a complete mailing address where the relocated party can receive further communication. This provision shall not apply if there is an Injunction for Protection Against Domestic Violence which prohibits communication.

11. TREATMENT OF CHILDREN:

Neither party shall take any action which is intended or would reasonably be expected to result in an alienation of affection by a child for the other parent. Both parents shall encourage the child(ren) to foster respect for the other parent and to encourage visitation with the non-resident parent. Both parents shall assist their child(ren) in having contact with both parties, which is consistent with the habits of the family, personally, by telephone, and in writing unless there is a conflicting Court Order. Please see 16th Judicial Circuit Family Division Rules attached to this order.

12. PARENTING COURSE REQUIREMENT:

Pursuant to section 61.21(4)(a), Florida Statutes, all parties to dissolution of marriage with minor children or a paternity action that involves issues of parental responsibility shall complete a Family Education and Stabilization Course and file a certificate of completion with the court, prior to the entry of a final judgment. The petitioner must complete the course within (45) days following the filing of the petition and the Respondent must complete the course within (45) days following service of the petition. Approved Parent Education and Family Stabilization courses can be found on the circuit's website at www.keyscourts.net.

13. FINANCIAL DISCLOSURE:

Both parties must file and exchange timely financial affidavits and mandatory disclosure pursuant to Family Law Rule 12.285.

14. COMPLIANCE WITH THE RULES FOR THE 16TH CIRCUIT FAMILY DIVISION:

All parties are directed to comply with the 16th Judicial Circuit Family Division Rules (attached).

15. SANCTIONS:

Failure to obey this Order and the Family Division Rules (attached) may be punishable by contempt of Court. If you wish to modify this Order, you must file an appropriate motion with the Clerk of Courts Office in Monroe County.

ATTACHMENT

SIXTEENTH JUDICIAL CIRCUIT FAMILY DIVISION RULES

The following are the rules and policies governing the Family Law Division of Monroe County Sixteenth Judicial Circuit Court. Read them carefully. All parties are expected to know and obey these rules.

COURT PROCEEDINGS IN PERSON OR VIRTUAL

1. **Dress appropriately-** The Judges have the authority to ban persons not appropriately dressed from participating in the proceedings in court or virtually.
2. **Cell phones-** All cell phones must be turned off in the courtroom.
3. **Speaking-** A court proceeding is not a free-for-all where people can say whatever they want whenever they feel like it. Parties do not speak unless they are directed by the judge or lawyer to speak, then speak only to the judge or lawyer. A party never speaks directly to the other spouse in court. Interruptions, sarcasm, insults and unresponsive answers **will not be tolerated.** **DO NOT** start arguments with or threaten anyone. The judge has the authority to hold you in contempt of court or expel anyone from the courtroom or virtual hearing who hinders the orderly conduct of business.
4. **Disruptive behavior-** Disruptive behavior includes eating, drinking, attending to children and vaping during remote hearings. While it is expected that the parties may be upset during a court hearing, they are expected to keep their anger and other offensive behavior under control whether it is conducted in person or remote.

APPEARING IN COURT WITHOUT AN ATTORNEY (PRO SE)

A Pro se Litigant is a party without an attorney. Unrepresented litigants are not entitled to any special treatment or privileges and must follow the same rules of procedure and ethical regulations that govern practicing attorneys.

1. **The Court must treat an unrepresented party the same way it treats a lawyer.** A party unrepresented by an attorney, although not expected to be as skilled or knowledgeable as a lawyer, is nevertheless subject to all laws, rules, and regulations that apply to a lawyer. The Judge's Judicial Assistant is part of the office of the Circuit Court Judge and he or she is **forbidden from doing anything the judge cannot do.** Judges and their assistants must remain entirely neutral and impartial.
2. **What Judges/court staff cannot do.** The Judge, Judicial Assistant or Case Manager cannot provide legal advice. If anyone insists upon speaking about unauthorized matters after being warned, court staff have been instructed to hang up the telephone or call a security guard, and they will report the misconduct to the judge. All requests to speak to the judge on the telephone or have a private conference **WILL BE REFUSED.** Letters written to the judge which offers or discusses evidence in a case or attempts to influence the judge's decision in the case will be filed in the court file and copies distributed to all parties. Such communications are strictly forbidden.
3. **Family Court Self-Help Program for Monroe County.** The Key West Self-Help Program may be reached at 305-295-3643 and the Middle and Upper Keys Self-Help Program may be reached at 305-853-7387. Further information about the circuit's Self-Help Program may be found on the circuit's website at www.keyscourts.net. The case management staff is **not serving as the lawyer for an unrepresented party, legal adviser or office/secretarial support staff.** It is not the Self-Help Program staff's duty to listen to parties' complaints or give advice on what to do. The staff is available to answer procedural questions and direct parties to available legal information and the family law forms.
4. **Scheduling.** An unrepresented party may contact the judge's office or the assigned case manager by telephone or email on matters related to the court's schedule and attendance in court.

ALTERNATIVE COOPERATION TRACK

1. Mediation is encouraged early in all proceedings. This is an opportunity to reach a reasonable negotiated agreement on some or all issues and may result in substantial savings to the parties. The 16th Circuit has a Court Mediation Program available to those eligible based upon their finances. The Court and staff are able to advise you as to your eligibility.
2. Litigation must be conducted courteously and cooperatively. The Court can sanction unprofessional and uncooperative behavior in any case and may award attorney's fees as required by law if either party or their counsel is found to have been unduly uncooperative, resulting in prolonged or needless litigation.

CASES WITH CHILDREN

The Courtroom/Remote Hearing is no place for children, especially small children. Do not bring your children to court or have them present during a remote proceeding.

1. **Children as Witnesses:** Family Law Rules require that an order must be obtained from the judge upon a motion and hearing in advance before a child may testify. Unless permission has been obtained from the judge **in advance**, a child **will not** testify.
2. **Children in the Courtroom/Remote Hearing:** Children should not be exposed to litigation proceedings. Parties **should not** bring their children to the courthouse at all. If attending a remote hearing, parties must obtain someone who is able to care for the child(ren). If a child is determined to be present and unattended by a third party, the proceedings will be terminated and the party sanctioned.
3. **Contact with both parents: Shared Parenting:** Contact with both parents is generally in the best interest of the children. Children are entitled to "frequent and continuing contact with both parents when the parents separate or divorce." In nearly all cases, the Court orders "shared parental responsibility" of the children which means co-parenting. The parents must confer with each other and agree on parenting decisions. Both parents must participate in all parenting decisions and work out their timesharing schedule. If the parents cannot agree on any issue, then the Court will decide after a mediation conference is conducted.
4. **Treatment of Children:** The safety, financial security, and wellbeing of the children involved in this case are the Court's primary concern. Parents shall follow these guidelines:
 - a. 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.
 - b. Neither parent shall alienate a child's affection for the other parent.
 - c. Parents must separate any bad feelings for one another from their duties as parents. Their duty is to share the children's time and in making parenting decisions. Children must be free to draw their own conclusions about each parent, without the prejudicial influences of the other parent.
 - d. Children have a right to never hear a parent, or a relative or a friend of a parent, disparage the other parent. Exposure to the disparagement of the other parent directly impacts a child's confidence, self-esteem and ability to form their own positive relationships.
 - e. Children have a right to be free of guilt because their parents decide to separate.
 - f. Each parent should openly, honestly and respectfully communicate with the other parent. They should never argue in front of the children. The child should never be the messenger between the parents.
 - g. Parents should develop a workable plan that gives children access to both parents and keeps ongoing contact with the children, so they do not feel rejected or abandoned.

- h. Each parent should maintain contact with the children by using and providing access to all available avenues of communication.
- i. Visitation plans 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.
- j. Common courtesy (politeness, promptness, readiness, calling to notice if one is going to be late) must be observed when picking up and dropping off children. These times can be very stressful for children, so it is imperative that the parents always behave as responsible adults.
- k. The parties should avoid interrogating the children for information about the other parent. They should further avoid using children to deliver child support payments or messages of any kind.
- l. The parties should not ask the children with whom they want to live or put the children in a position of having to take sides. Using children as pawns only hurts a child emotionally.
- m. Separation of the parents may impact a child in many harmful ways, a fact both parents should never forget.