

# Frequently Asked Questions by Self-Represented Litigants

## 1. When is my hearing?

Cases are reviewed by case managers in the self-help program. If the case is ready for a hearing, it is set on the first available docket and parties are notified by mail. Due to both legislatively mandated budget cuts in the case manager office as well as the large number of filings in the four counties of the circuit, it may take time for your case to be set for hearing.

## 2. Where do I find the forms I need?

Forms are available online in the Self-Help section of the Florida State Courts website at [http://www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml). Additionally, forms are located in each of the clerks' offices in the four counties for a fee:

### Indian River County Clerk of the Circuit Court

2000 16th Avenue  
Vero Beach, Florida 32960  
(772) 770-5185  
<http://www.clerk.indian-river.org/>

### Martin County Clerk of the Circuit Court

100 East Ocean Boulevard  
Suite 200  
Stuart, Florida 34994  
(772) 288-5576  
<http://clerk-web.martin.fl.us/ClerkWeb/>

### Okeechobee County Clerk of the Circuit Court

312 North West 3rd Street  
Okeechobee, Florida 34972  
(863) 763-2131  
<http://www.clerk.co.okeechobee.fl.us/>

### Saint Lucie County Clerk of the Circuit Court

201 South Indian River Drive  
Fort Pierce, Florida 34950  
(772) 462-6900  
<http://www.slcclerkofcourt.com/>

## 3. Where do I file my completed forms?

All forms should be filed at the clerk's office in the county of your case (contact information for each of the clerks' offices is available in question 2) and a copy should be provided to the other party according to [Florida Law](#) and [Florida Family Law Rules of Procedure](#).

## 4. How much are the filing fees?

Questions regarding filing fees should be directed to the clerk's office in the county of your case. See the answer to question 2 for locations and contact information for the clerks' offices.

## 5. How can I schedule a mediation with the 19<sup>th</sup> Judicial Circuit's Mediation Program?

Both parties must submit a completed Financial Affidavit before the case can be referred. If the combined gross annual income of both parties is less than \$100,000.00 then the case manager may refer the case to the 19<sup>th</sup> Judicial Circuit [Mediation Program](#). The mediation program case manager will submit an Order for Mediation for the judge's signature. Once the judge has signed the Order, the mediation program will schedule the mediation and provide written notification of the date, time, and location of the mediation.

## 6. I have no attorney but the other party does – how do I set a hearing?

The self-represented litigant will need to contact the [judge's office](#) and request available hearing dates from the judicial assistant. You will then need to contact the attorney's office to coordinate the date with the attorney. Once a date has been agreed upon, you will need to call the judicial assistant again to reserve the hearing date. To shorten this process, you may request the judicial assistant to conference the attorney's office into your initial call to the judicial assistant. You will then need to complete a Notice of Hearing and provide it to the clerk's office, attorney's office, and judicial assistant. A Notice of Hearing is available on the Florida State Courts website at [http://www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml).

## 7. I need to speak to the judge or magistrate about my case – how do I contact their office?

Judges and magistrates are not permitted to speak to parties about their case outside of the courtroom. If you have an issue you need addressed by the court, you must file a proper pleading and, if appropriate, a hearing will be scheduled.

## 8. How long will it take for me to get a divorce?

There are many factors (such as minor children, property, assets, etc.) which add to the length of time an action takes to get to a final hearing, but, generally speaking, most uncontested cases (cases in which the parties sign and file an agreement resolving all issues) are set for a final hearing within 90 days from the filing date. Due to both legislatively mandated budget cuts in the case manager office as well as the large number of filings in the four counties of the circuit, contested cases may take significantly longer to get to final hearing.

## 9. What is a magistrate?

A magistrate is an attorney who hears cases referred by a judge and acts in a quasi-judicial capacity. In our Circuit, magistrates hear post-judgment family cases (that is, they do not hear any cases such as divorce or establishment of paternity). The magistrate hears the cases and provides recommendations to the judge. An Order of Referral is sent to all parties of a case before the case is heard by the magistrate, and the parties must agree that the magistrate can hear the case. An Order of Referral contains the following language:

A REFERRAL TO A GENERAL MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BEFORE A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BEFORE THE GENERAL MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER THE SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST 20 DAYS AFTER SERVICE OF PROCESS, THE TIME TO FILE AN OBJECTION IS EXTENDED TO THE TIME WITHIN WHICH A RESPONSIVE PLEADING IS DUE. FAILURE TO FILE A WRITTEN OBJECTION WITHIN THE APPLICABLE TIME PERIOD IS DEEMED TO BE A CONSENT TO THE REFERRAL.

REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 12.490(f), FLA. FAM. L. R. P. A RECORD, WHICH INCLUDES A TRANSCRIPT OF PROCEEDINGS, MAY BE REQUIRED TO SUPPORT THE EXCEPTIONS.

If there are no exceptions to the recommendations of the magistrate timely filed by the parties, the recommendations are forwarded to the judge to be signed as an Order.

## 10. What should I bring to court and what am I supposed to do?

- Dress appropriately for court
- Be on time for your hearing
- Both parties should attend scheduled hearings
- Remain calm
- Speak directly to the judge or the magistrate
- Listen to the judge or the magistrate and do not interrupt someone when he/she is speaking – each party will have time to speak
- The court can only hear matters that have been properly filed and are scheduled for hearing, so stay focused on the issues that are in the pleading and scheduled for that hearing
- Do not bring your children to court with you unless you have been ordered by the judge to have the children present. If you bring your children you will need to have someone who can supervise them outside of the courtroom while your case is being heard.
- Bring your valid Florida Drivers License, Florida Voter's Registration Card, or valid Florida Identification Card with you
- Bring any documents you think may be necessary for your case depending on the issues that have been identified in the petition or motion (such as receipts, bills, proof of real estate, copies of checks, etc. – see Chapter 90 "Evidence Code" [Florida Statutes](#) for more information)
- Know what you want before the hearing and be able to explain to the judge or magistrate why it is you want it
- Ask questions if you do not understand what is going on – you should leave the hearing knowing what happened

## 11. I need an interpreter for the hearing – what should I do?

If you need a foreign language interpreter to fully participate in your hearing, it is your responsibility to bring a qualified interpreter as the Court does not provide a foreign language interpreter free of charge for family law cases.

If you need a sign language interpreter for your hearing, please contact the ADA Coordinator at (772) 807-4370.

## 12. What does "pro se" mean?

"Pro se" is another term for someone who represents himself or herself in court. It is still your responsibility to be aware of laws and legal rules before appearing in court as neither the judge, magistrate, case managers, clerks, nor other court

personnel are allowed to give you any legal advice. Additional information and links are available on our [Self Help Program/Self-Represented Litigants](#) webpage. If possible, it is best to consult with an attorney before appearing in court.

### **13. How does the Court calculate child support?**

There are a number of factors that could affect the amount of child support that is ordered, but generally child support is calculated based on guidelines provided in §61.30 [Florida Statutes](#).

### **14. How is child support paid?**

There are three options for payment of child support: direct pay (one parent is ordered to pay the child support directly to the other parent), state disbursement unit (one parent is ordered to send payments to the state disbursement unit who then sends the payment to the other parent), and Income Deduction Order (this is an Order entered by the Court that is sent to the employer of the parent ordered to pay with an amount that must be deducted from the parent's paycheck and sent to the state disbursement unit – the state disbursement unit then sends the payment to the other parent). Florida law requires that all child support payments must be paid through the state disbursement unit unless both parties agree to have it paid directly. Self-represented litigants whose pleadings include issues of child support should consider which option would work best for their situation – this information should be explained to the judge or magistrate during the hearing so that the best solution can be worked out for the parties and entered into an Order.

### **15. I received an Order to File directing the other party to file a document(s) – how do I know if the other party has done this?**

As noted in question 3, all documents should be filed with the clerk's office in the county of your case and a copy should be provided to the other party in the case according to [Florida Law](#) and [Florida Family Law Rules of Procedure](#). If you have questions or concerns about what has been filed, you can contact the appropriate clerk's office to see what has been filed by the other party (contact information for each of the clerk's offices is available in question 2).

### **16. My hearing is scheduled, but I cannot wait that long and need an earlier date – what should I do?**

You may call the office of the [judge](#) or [magistrate](#), as applicable, and request an earlier hearing date. However, an earlier hearing date may not be available.

### **17. I have a Final Judgment/Order directing the other party to pay child support, participate in time sharing, etc. The other party has not done this – what should I do?**

If you believe that the other party has not complied with what was ordered and you are seeking relief, you must file a proper pleading with the clerk's office. The pleading will be scheduled for a hearing before a judge or magistrate. It is your responsibility to provide proof or evidence that the other party has not complied with the Order. Please refer to question 10 for information about what you should bring to Court and what you are supposed to do. You may also see the Florida Supreme Court approved forms and instructions at [http://www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml) to determine the proper form to complete and file.

### **18. I have been ordered to take a parenting course – why do I have to do this?**

[Florida Statute § 61.21\(4\)](#) requires that all parties to a dissolution of marriage with children or a paternity action that involves issues of parental responsibility are required to complete a parenting course before a Final Judgment is entered. The court may hold any parent who fails to attend this required parenting course in contempt and impose appropriate sanctions. A current list of approved parenting course providers is located [HERE](#).