

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
CIVIL ACTION

IN RE: THE MARRIAGE OF:

Copeland, Renee
Petitioner

vs

Copeland, Paul Gerald
Respondent

Case No. 08-DR-005190

STANDING TEMPORARY ORDER FOR DISSOLUTION OF MARRIAGE
ACTION WITH MINOR CHILDREN

Revised 10/07/2004

It is in the best interests of children that parents in a divorce case learn about the problems, duties, and responsibilities of parenting after separation and divorce, and that the parties preserve their assets and comply with court rules. Therefore, it is ordered:

1. **CONTACT WITH BOTH PARENTS; SHARED PARENTING.**

1.1. It is the law that, in general, contact with both parents is in the children's best interests, and that children are entitled to "frequent and continuing contact with both parents when the parents separate or divorce."

1.2. Further, the parent who is or wants to be the "primary residential parent" has an "affirmative obligation to encourage and nurture a relationship between the children and the alternate residential parent." A parent who restricts access of the children to the other parent and does not encourage a relationship between the children and the other parent, for no good reason, perhaps should not be designated the "primary residential parent." Such a parent is not acting in the children's best interests and is not following the law.

1.3. In nearly all cases, the court orders "shared parenting" of the children by the parents. This means that wherever the children are living from time to time, the parents must confer with each other and agree upon all parenting decisions. Therefore, both parents must participate in all parenting decisions and immediately work out their own time sharing schedules. If the parents cannot agree on any issue, then the court will decide.

2. **PARENTING CLASS REQUIRED.**

2.1. Both the husband and the wife in this matter must attend and complete one of the following courses. Completion of one of these courses is mandatory in all cases, contested or uncontested, in which the parties have minor children. Therefore, even if the parties have settled, they must both attend one of these courses. The parties should not enroll in the same class unless both agree to do so.

2.1.1. Lee County residents: "Parents, Children, and Divorce" is offered in Lee County. To enroll, call 239-693-8893. "Living Apart-Parenting Together" is also offered in Lee County. To enroll, call 239-461-7519. Either course will satisfy the course requirement.

2.1.2. Collier County residents with a case in Lee County: "Putting Children First" is offered in Collier County. To enroll, call 239-732-3707. "Parents, Children, and Divorce" is offered in Collier County. To enroll, call 800-767-8193. Either course will satisfy the course requirement.

2.1.3. Charlotte County residents with a case in Lee County: "TransParenting" is offered in Charlotte County. To enroll, call 941-255-7480. Also, "Parents, Children, and Divorce" is offered in Charlotte County. To enroll, call 800-767-8193. Either course will satisfy the course requirement.

2.1.4 Internet Course: Under special circumstances, the Court may approve attendance of an approved Internet parenting course for good cause shown. Prior approval must be obtained from the Court to meet the parenting class requirement through an Internet course.

2.2. Both the husband and the wife must attend and complete one of these classes within 60 days after this action was filed. If a certificate of completion for both parents from one of these courses is not in the court file, the court will not sign a final judgment.

2.3. If either parent is no longer residing in the Lee, Collier, or Charlotte Counties, that parent may attend a similar, court approved program in another county or state.

2.4. Both parents are ordered to study the course workbook thoroughly and conduct themselves accordingly. The court expects the parents to observe and abide by what is taught in the course.

3. CHILD EDUCATION AND CONSULTATION PROGRAM REQUIRED IN CASES INVOLVING MINOR CHILDREN IN LEE COUNTY

3.1. All children of the marriage of the parties in this action between the ages of six and seventeen (for actions filed in Lee County) must attend and complete one of the following courses. Completion of one of these courses is mandatory in all cases in Lee County, contested or uncontested, in which the parties have minor child/ren between the ages of six and seventeen. Both parents are encouraged to attend the last 30 minutes of the children's program. However, if the parent relations are not amicable, please have only one parent attend. Therefore, even if the parties have settled, the child/ren must attend one of these courses. The Petitioner is responsible for enrolling the child/ren in one of these courses.

3.1.1. Lee County residents: "Sandcastles Program" is offered in Lee county. To enroll, call 239-693-8893. The "Rainbows Program" is offered at certain schools throughout Lee County. To enroll, call 239-693-8893 or 800-767-8193. Either of these courses will satisfy the course requirement.

3.1.2. Collier County residents with a case in Lee County: “Sandcastles Program” is offered in Collier County. To enroll, call 800-767-8193.

3.1.3. Charlotte County residents with a case in Lee County: “Sandcastles Program” is offered in Charlotte County. To enroll, call 800-767-8193. “Children and Families First (CFF)” is also offered in Charlotte County. To enroll, call 941-255-7480.

3.2. The Petitioner is responsible for registering all children of the marriage between the ages of six and seventeen for one of these programs, and for ensuring that the child/ren complete the program within 45 days from the date of filing a Petition for Dissolution of Marriage in Lee County. If a certificate of completion for all children of the marriage between the ages of six and seventeen is not in the court file, the court will not sign a final judgment.

3.3. If the children of the marriage between the ages of six and seventeen are no longer residing in the Lee, Collier, or Charlotte Counties, the Petitioner may request permission of the court for the children to attend a similar, court approved program in another county or state.

3.4. If either parent interferes with the completion of the program by the child/ren, the court may impose appropriate sanctions to ensure compliance.

4. NO RELOCATION OF CHILDREN. Neither party may remove, cause to be removed, nor permit the removal of any minor children of the parties from their current county of residence without the written agreement of both parents or an order of **this court**.

5. CHILD SUPPORT. In general, the law requires child support to be paid from the date the parties separated, which is nearly always a date before the petition was filed. Therefore, to avoid building up an arrearage in child support, the alternate residential parent must make voluntary payments of child support to the primary residential parent prior to the entry of an order requiring payment of support. Waiting for an order can be very expensive because child support will be ordered from the date of separation, whether it was actually paid or not. If child support is paid in excess of that required by the statute, the paying parent can ask for a refund. Child support will be determined by the Child Support Guidelines, §61.30, Florida Statutes. Therefore, it is in both parties' best interests **to determine the correct amount of child support quickly and begin paying promptly.**

6. TREATMENT OF CHILDREN. The safety, financial security and well-being of the children involved in this case are the court's primary concern. Parents must follow these guidelines:

6.1. 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 of guilt because the parents have decided to separate. They are entitled to honest answers to questions about changes taking place in the 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.
- * 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.
- * Visitation plans should be kept and never canceled unless absolutely necessary. If plans change, children should be given an explanation, preferably in advance and by the parent causing the cancellation.

6.2. 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 extra curricular activities and programs.

7. **CONDUCT OF THE PARTIES DURING THE CASE; SANCTIONS.** Both parties shall not verbally harass each other in person or over the telephone, at home or at work. Any unwanted physical contact between a husband and a wife is a crime and is vigorously prosecuted by the state attorney. Failure to obey this order may result in restraining orders and contempt proceedings. Contempt of court is punishable by a sentence in the county jail. The parties and their lawyers are ordered to comply with the attached "Notice to All Lawyers and Parties in Family Court".

8. **DISPOSITION OF ASSETS; ACCOUNTING.** Neither party may conceal, damage or dispose of any asset, whether marital or nonmarital, and neither party may dissipate the value of an asset, for example, by adding a mortgage to real estate or by failing to take care of any asset. The parties may spend their incomes in the ordinary course of their personal and family affairs. Neither party may conceal, hoard or waste jointly owned funds, whether in the form of cash, bank accounts or other liquid assets, except funds may 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. Both parties are accountable for all money or property in their possession during the marriage and after separation. Attorney's fees and costs are necessities and must be accounted for.

9. **PERSONAL AND BUSINESS RECORDS/INSURANCE.** Neither party may, directly or indirectly 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

herein was filed may not be terminated, allowed to lapse, concealed, modified, borrowed against, pledged or otherwise encumbered by either of the parties or at the direction of either party. All insurance policies of every kind may not be changed except by written agreement signed by the parties or order of the court. 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.

10. ADDITIONAL DEBT. Neither party will incur additional debt which would bind the other party nor tie up any assets, except by the written consent of the parties or order of this court. The parties are urged to temporarily stop using joint credit cards except for absolute necessities and only as a last resort. Neither party should make additional charges to joint credit cards. Joint credit cards may be used only for the necessities of life, and any party using a joint credit card after separation must be prepared to justify all charges as reasonable and necessary for necessities.

11. SANCTIONS FOR FAILURE TO COMPLY WITH COURT RULES. If a party fails to comply with the rules requiring the production of financial records and other documents, or fails to answer interrogatories or attend a deposition, or otherwise fails to comply with the rules requiring disclosure or discovery, that party will be sanctioned by an order requiring a minimum of \$250 to the other party.

12. SERVICE AND APPLICATION OF THIS ORDER. The petitioner shall serve a copy of this order with a copy of the petition. This order is binding on the petitioner upon the filing of this action and shall become binding on the respondent upon service of the order. This order shall remain in effect until further order of the court. Any part of this order not changed by some later order remains in effect. This entire order will terminate once a final judgment is entered.

13. ALTERNATIVE COOPERATION TRACK In any dissolution of marriage action, the parties may elect to proceed under the “cooperation track.” This option requires an agreement signed by the parties and their attorneys acknowledging that the terms of this paragraph are adopted by the parties. Any case that does not elect the “cooperation track” is automatically proceeding on the “litigation track”. The parties can elect into the “cooperation track” at any time after responsive pleadings have been filed. A party can withdraw from the “cooperation track” at anytime, which will place the case automatically back in the “litigation track”. There is no prejudice to a party electing the “cooperation track” and then withdrawing to the “litigation track.” However, at any hearing on a motion for attorney's fees and costs, the court can receive any evidence of a failure to cooperate or tactics resulting in unnecessary litigation or delay, as allowed by law.

13.1. The “cooperation track” must be initiated by the agreement of the parties and their attorneys. Cases with unrepresented parties may not elect the “cooperation track”. The “cooperation track” requires: (1) The attorneys must promptly communicate with each other on all issues arising in the case and may not file a motion for any relief without first speaking

lawyer to lawyer and attempting a resolution of the problem. (2) Counsel will also discuss the need for any experts, such as mental health professionals, financial experts, vocational rehabilitationists, and others. If they agree that an expert is needed, they shall agree on one expert in the particular discipline and the expert shall be a neutral source for both parties. The expert shall be able to communicate with both parties' attorneys and the attorneys may also be able to communicate to the expert. However, there should be no ex-parte communication between an attorney and an expert unless agreed or stipulated by the attorneys and the expert. (3) The attorneys will also discuss early mediation to resolve any and all issues and agree to attempt several mediation conferences, if needed, before noticing the case for trial. (4) Counsel must also cooperate to gather and share information and comply with the Family Rules regarding discovery.

13.2. Mental health professionals and social studies. Any mental health professional expert engaged by the parties to prepare a social study shall be skilled and experienced in shared parenting issues. Should a social study be required, the parties shall choose one mental health professional person, who shall be court appointed under F.S. §61.20 by a stipulation signed by the parties. The mental health professional may, but is not required, be a certified family mediator and may, with the agreement of the parties, their lawyers and the professional, assist the parties by mediation of any issues. The mental health professional doing a social study may not perform any other role, such as counselor or parenting coordinator, unless specifically consented to in writing by the parties, the attorneys, and the professional, waiving any conflict of interest resulting from the dual professional relationship. Compensation of the expert shall be stated in the stipulation of the parties and order of appointment, which shall allocate the responsibility of the parties for payment. Upon written stipulation, the expert may give testimony but may not testify to anything discussed in mediation.

13.3. Financial expert. Should both attorneys agree that a neutral financial expert should be involved, the parties and the lawyers shall stipulate and a court order shall be entered, appointing a qualified Certified Public Accountant or any other professional person agreed upon by the parties. The particular scope and responsibility of the neutral financial expert can involve fact gathering, financial analysis, and the preparation of work sheets setting forth assets, liabilities and income of the parties. The neutral financial expert may perform other roles and functions, as the attorneys and the parties specifically agree in writing, waiving any conflicts of interest, including mediation or arbitration. Compensation of the expert shall be stated in the stipulation and order of appointment which shall allocate the responsibility of the parties for payment. Upon written stipulation, the expert may give testimony but may not testify to anything discussed in mediation.

13.4. Second opinions. Either party may request a second opinion after any court appointed expert has rendered his or her opinion. In any case involving two experts giving opinions on the same issue, the parties must agree that the court will require the experts to communicate with each other and attempt to determine any differences of opinion and whether or not those differences can be defined, if not resolved.

13.5. Case management conferences. The attorneys may schedule case management conferences with the judge at any time to seek preliminary rulings upon the proffer of facts if the parties are in disagreement, as a means to enhance a settlement, or to discuss any issue in the case.

13.6. Communication. The attorneys shall not communicate with each other or anyone in the case intemperately or insultingly. Attorneys shall communicate personally with each other by telephone or in person if a problem exists before filing a motion. Talking to the other lawyer's secretary or office staff is not sufficient. The attorneys, appointed experts and the parties shall be courteous and respectful of everyone in the process. Conferences with the attorneys and parties are encouraged, as are conferences with the attorneys, parties and other professionals engaged as experts. Both parties and attorneys shall share documentary information in such a manner as to avoid duplication of work. Both attorneys shall promptly return all phone calls and respond to correspondence from the other attorney and any experts. When setting hearings, conferences and depositions, an attorney may not schedule any matter without first coordinating the date and time with opposing counsel's office.

13.7. Mediation is encouraged early in the proceedings and prior to setting the case for trial. Several mediation conferences should be held in all cases when required and in order to accomplish a result that both parties fully understand and with which they are both comfortable, without any coercion or need to accomplish a result due to the pressure of an upcoming hearing.

13.8. Litigation may take place on the cooperation track, but it must be conducted courteously and cooperatively. The court recommends to all parties and attorneys engaged in family litigation to utilize all the "cooperation track" procedures even if this track is not elected. The court can sanction unprofessional and uncooperative behavior in any case, on either the "cooperation track" or "litigation track", and will 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.

ORDERED in Fort Myers, Lee County, Florida.

4/24/2008

Hugh E. Starnes (electronically signed)

**Hugh E. Starnes, Circuit Judge
Administrative Judge, Family Law Division**

*****Original on file in the office of the Administrative Family Law Judge

NOTICE TO ALL LAWYERS AND PARTIES IN FAMILY COURT

The following are the policies of family court. Read them carefully. All lawyers and parties are expected to know and obey these policies.

1. COURTROOM CONDUCT AND BEHAVIOR

All courtroom proceedings shall be conducted with dignity, decorum, courtesy and civility.

1.1. Dress appropriately. Court business is very important. People who do not dress or groom properly may give the wrong impression. Their dress and appearance may show a lack of interest in the case or a lack of respect for the court. Shorts, tank or halter tops, undershirts, and caps or hats are forbidden. Judges may ban persons who are not appropriately dressed.

1.2. Speaking and talking. A court proceeding is not a free for all where anyone, parties and lawyers alike, say whatever they want whenever they feel like it. A party who is called as a witness must answer only the questions asked and may not volunteer information or make argument while testifying.

Parties may not talk unless they are directed by the judge or a lawyer to speak, and then they may speak only to the judge or a lawyer. A party must never talk directly to the other spouse in court. Judges may remove anyone who hinders the orderly conduct of business from the courtroom, including parties and lawyers.

Interruptions, sarcasm, and insults will not be tolerated. Do not start arguments with or threaten anyone.

1.3. Disruptive behavior. While it is not unusual that parties may be upset when they come to court, all parties are expected to keep their anger and behavior under control in the courthouse and everywhere else.

It is improper to make any kind of physical gesture or facial expression that shows sarcasm, disbelief, or disrespect.

2. BRINGING CHILDREN TO COURT

The courtroom is no place to bring children, especially small children.

2.1. Children as witnesses. The Family Law Rules require that an order must be obtained from the judge upon motion and a hearing in advance before a child may testify. Therefore, do not bring children to court if an order allowing them to testify has not been signed.

2.2. Children in the courtroom. Parties should not bring their children to the courthouse. Parties are strongly urged to get sitters for young children. If a party is unable to get a babysitter and must bring a small child to court, the judge will understand. However, children old enough to sit outside the courtroom unattended must remain outside the courtroom while the case is being heard. If a small child disrupts the proceeding, he or she must be taken out of the courtroom, which could cause a party to miss what is taking place inside.

3. APPEARING IN COURT WITHOUT A LAWYER

A "Pro Se" Litigant, a party without a lawyer, is not entitled to special treatment or privileges, and must follow the same rules of procedure and ethical regulations that govern practicing lawyers.

3.1. The court must treat a pro se party the same way it treats a lawyer. Pro se litigants, although expected to be as skilled and knowledgeable as lawyers, are nevertheless subject to all laws, rules and regulations that apply to a lawyer.

Judges and their assistants are forbidden by law from giving any advice or help to unrepresented parties. Judges and their assistants must remain entirely neutral and impartial. Judges and their assistants also may not give unrepresented parties special treatment.

3.2. What judges and their assistants cannot do. Neither the judge nor the judge's assistant can give a pro se litigant legal advice, practice tips or help in preparing court papers. Most questions that ask how to do something cannot be answered by the judge's assistant or the judge and should not be asked.

The Family Division of the court has a Pro Se Litigant Program, telephone 239-335-2247, which can answer some questions and offer some guidance. The program staff is not the lawyer for an unrepresented party, a legal advisor, or a secretarial service for an unrepresented party.

3.3. Contact with the judge's office. A pro se party is authorized to contact the judge's office by telephone to set hearings on the court's schedule. Personal visits to the office are discouraged because it disrupts the working routine in the office. Judicial Assistants assist judges; it is not their job to advise or assist the parties with their case.

If any party telephones the Judicial Assistant and persists in talking about unauthorized subjects after being warned, Judicial Assistants are instructed to hang up the telephone. All requests to speak to the judge on the telephone or have a private conference will be refused. If a party has a matter to be considered, a motion and notice of hearing must be filed in the court file by delivery to the clerk of the court and a copy of the motion and notice of hearing must be sent to the other party or the other party's lawyer, if the other party has a lawyer. Letters should not be written to the judge. All letters addressed to the judge are filed in the court file and copies are sent to the parties. The judge can only consider motions filed in the court file, copies of which have been delivered to all other parties in the action with a notice of hearing, and can receive evidence about a case only at a hearing in the courtroom with all parties notified of the hearing.

3.4. "Emergency" Motions. This Standing Order handles most of the "emergency" situations arising in divorce actions. Nevertheless, if either party feels he or she has an "emergency" requiring immediate action, the party or their counsel must file a motion for emergency relief, serve a copy of the other party, and deliver or fax a copy to the court. The court will decide if the matter is an emergency by reading the motion. If it is an emergency, expedited hearing time will be given. If it is not an emergency, a hearing may be scheduled like any other matter, that is, "first come, first serve" for the time available on the court's docket.