



PRACTICE REQUIREMENTS FOR CLEARWATER FAMILY LAW GENERAL MAGISTRATE

Please review Rule 12.490, Florida Family Law Rules of Procedure, which governs General Magistrate proceedings, as well as other appropriate procedural rules. A pro se litigant acts as his/her own attorney and is subject to the same procedural rules as a member of the bar.

What the General Magistrate may not hear:

A Family Law General Magistrate generally is unable to handle emergency matters, matters involving criminal contempt, or child support issues if the Florida Department of Revenue is a party to that part of the case. The General Magistrate cannot address domestic violence injunctions, except for collateral issues such as visitation and child support.

Setting the hearing:

The attorney's office may call (727)464-4945 to set a hearing before the family law general Magistrate. Unrepresented litigants are directed to call the Courts Information and Resource Center (727)582-7200 for assistance in setting their hearing.

Only Clearwater section cases (**14, 22, 23, 25**) may be set for hearing before the Clearwater General Magistrate.

Procedural Requirements:

In a divorce or paternity action, the required parental assessment and stabilization course should be completed by both parties prior to the final hearing. It **must** be completed by the Petitioner.

In cases involving financial relief (initial or modified orders of alimony or child support, distribution of assets and debts, etc.), both parties are required to comply with the requirements of Rule 12.285, Fla. Fam. L.R.P., regarding filing and exchange of financial information. If a party does not comply with mandatory financial disclosure, this should be addressed **before** the final hearing.

Telephonic Appearance:

There is no set policy for telephonic appearance; each request is handled on a case by case basis. Please do not wait until the last minute to make your request for telephonic appearance.

Order of Referral:

An Order of Referral is required for the General Magistrate to have jurisdiction to hear any issue. ***Hearings cannot be held if the order of referral has not been filed.***

After the Hearing:

The moving party will need to provide sufficient stamped, pre-addressed envelopes for all parties in the case. Remember that there is an objection period after the hearing unless all parties have agreed to waive it. If the objection period has been waived, please provide one pre-addressed, stamped, envelope for each party in the case. If the objection period was not waived, you will need to provide two pre-addressed, stamped envelopes for each party (one for the General Magistrate's findings, and a second one for the Order confirming the findings). Attorneys may be required after the hearing to prepare the General Magistrate's Report and Recommendation and any related Orders.