

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
UCN: _____ REF: _____

Petitioner,

vs.

Respondent.

NOTICE FOR FAMILY LAW CASES WITH MINOR CHILDREN

It is in the best interests of the parties in a family law case to learn about the problems, duties and responsibilities that may arise during their dissolution proceeding. It is also important for the parties to preserve their assets, act in the best interests of their children and comply with Court rules and orders. Therefore, the parties are advised:

1. CONTACT WITH BOTH PARENTS; SHARED PARENTING:

1.1. Contact with both parents is generally in the children's best interests., **Children are entitled to "frequent and continuing contact with both parents when the parents separate or divorce" as a matter of law.**

1.2 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 who does not encourage a relationship between the children and the other parent, perhaps should not be designated the "primary residential parent," as this 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 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 time sharing schedules. If the parents cannot agree on any issue, then the court will decide.

2. PARENTING CLASS REQUIRED:

2.1. Both parents must attend and complete one of the approved courses pursuant to Florida Statute §61.21. This course is **mandatory**. 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.

2.2. Both parents must attend an approved class within sixty (60) days after this action is filed. **If a certificate of completion for both parents is not in the Court file, the Court cannot sign a Final Judgment.**

2.3. Both parents must attend an in-person classroom instruction in an approved course. Those unable to attend in-person instruction, and who wish to participate in distance learning or an on-line class, must first receive Court approval. Court approval will be based on the moving party demonstrating that “special circumstances” exist.

3. **NO RESIDENTIAL RELOCATION OF CHILDREN:**

Neither party should remove, cause to be removed, nor permit the removal of any minor children from their current county of residence for residential purposes without the written agreement of both parties or an order of this court.

4. **TREATMENT OF CHILDREN:**

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:

4.1. It is the law, except in certain rare circumstance, 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 unless a court order or injunction indicates otherwise. Parents shall put aside their feelings and cooperate on all decisions involving the children. The following guidelines apply:

- 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 share in making parenting decisions. Children must be free to draw their own conclusions about each parents, without the prejudicial influences of the other parent.
- d). Children have the right to never hear a parent, or a relative or a friend of a parent, degrade the other parent.
- e). Children have the right to be free of guilt because their parents have decided to separate.
- f). 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.
- g). Each parent should openly, honestly, respectfully and regularly communicate with the other parent to avoid misunderstandings. They should never argue in front of the children.

h). Parents should discuss all issues out of the presence of the child(ren). Both parents should always try to present a united front in handling any problems with the children.

i). Children have the right to regular and continuing contact with both parents. Parents should arrange all visitation and exchanges together and not through the child. The child should never be the messenger between the parents.

j). 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.

4.2. Common courtesies (politeness, promptness, readiness, calling to notify if one is going to be late) must 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.

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

b). Parent/child access and child support are separate and distinct under the law. Accordingly, a child's right to access to his or her parent is not contingent upon the payment of child support.

c). A child should never be the delivery person for support payments or other communication between the parents.

d). 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.

e). Parents should share information concerning children's activities, school information and health.

5. **DISPOSITION OF ASSETS; ACCOUNTING:**

Neither party should conceal, damage, or dispose of any asset, whether marital or non-marital, and neither party should dissipate the value of an asset. The parties may spend their incomes in the ordinary course of their personal and family affairs. Neither party should conceal or waste jointly owned funds. Both parties are accountable for all money or property in their possession during the marriage and after separation. Attorney's fees and costs may be assessed.

6. **PERSONAL AND BUSINESS RECORDS/INSURANCE:**

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 should not be terminated, allowed to lapse, concealed, modified, borrowed

against, pledged or otherwise encumbered. The beneficiaries on all insurance policies should not be changed. The parties should continue to pay all premiums on a timely basis.

7. **ADDITIONAL DEBT:**

Neither party should incur additional debt, which would bind the other party nor should either party tie up any assets. Joint credit cards should be used only for 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 life's necessities.

8. **ALTERNATIVE COOPERATION TRACK:**

8.1. Mediation is encouraged early in the 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.

8.2. 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.

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

FAMILY COURT COURTROOM POLICIES

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 important. Shorts, tank or halter tops, undershirts, and caps or hats are forbidden.

1.2. **Speaking and talking** – A court proceeding is not a free for all where anyone can 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.

Do not interrupt a Judge when he or she is speaking. Interruptions, sarcasm, and insults will not be tolerated. DO NOT start an argument with or threaten anyone.

2. **BRINGING CHILDREN TO COURT IS FORBIDDEN** –

Children as witnesses. The Family Law Rules require that an order must be obtained from the Judge upon a 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.

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 or 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 not 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 assistance 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. The Family Division of the court has a Pro Se Litigant Program, telephone 727-582-7200, which can answer some questions and offer some assistance. 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.