

**HONORABLE DANIEL D. DISKEY
CIRCUIT COURT JUDGE
FAMILY SECTIONS: F, N2, Q2, AND Z2**

Judicial Assistant: crfamw2@jud6.org

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Hearing Room 2F
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INSTRUCTIONS AND JUDICIAL PRACTICE PREFERENCES

The Judicial Assistant is not permitted to answer your legal questions nor “explain” your situation to the Judge. Your opportunity to speak to the Judge happens in Court only.

Some forms are available through the Legal Resource Center located in the Pasco County Clerk’s office on the first floor, and on line at www.jud6.org (self-representation); www.flcourts.org or www.pascoclerk.com . Bay Area Legal Services is available at 727-847-5494. Lawyer referral services can be contacted through the West Pasco Bar Association at 727-847-0374.

COMMUNICATION WITH CHAMBERS

- The preferred method of communication with this office will be via email. The judicial assistant may be reached at crfamw2@jud6.org.
- The judicial assistant is typically available from 8:30 AM -12:00 PM and from 1:00 PM – 5:00 PM Monday through Friday, excluding Court holidays.

MEDIATION

- Pursuant to Administrative Order 2011-006 PI-CIR and 2015-016 PA/PI-CIR, all initial hearings on temporary relief matters in original petitions shall be referred to mediation prior to a hearing on the matter.
- All non-emergency post-judgment matters other than motions for contempt and enforcement shall be referred to mediation prior to a hearing.
- Once mediation is concluded, a hearing may be set on the Court’s calendar.

PARENT EDUCATION AND FAMILY STABILIZATION COURSE

- Each of the parties shall attend the course in-person. Participation in an online or distance-learning course will be approved only in limited circumstances and only after a written motion is filed explaining the circumstances that prohibit in-person attendance.

EMERGENCY HEARINGS.

- All emergency motions must be filed with the Clerk of Court.
- **The Court will not review or consider any emergency motion sent directly to the Court.**
- After an emergency motion is filed through the e-portal, please contact the Clerk of Court and they will submit the motion to the Court for determination of emergency status and review.
- After review, the Court may enter an ex- parte order without notice to the opposing party, schedule a hearing or allow one to be set on an emergency basis, seek a written response from the opposing party, or rule on the matter without hearing.
- If the Court schedules a hearing on an emergency matter, the Court will do so when time permits on the Court's calendar.
- **Parties and attorneys should be prepared to attend any emergency hearing, in the manner and at the time, scheduled by the Court.**
- A conflict with a hearing scheduled by the Court, whether by a party or their counsel, may not constitute good cause for the matter to be continued.
- If the Court schedules a hearing, the parties will be held to the amount of time allotted by the Court for the matter.
- This time shall be equally split between the parties.
- If the emergency hearing involves an issue related to support, current financial affidavits must be filed prior to the hearing.
- Failure to do so may result in the Court declining to hear the matter on an emergency basis.

MATTERS NOT REQUIRING A HEARING

- A matter does not require a hearing and may be submitted electronically or by mail (**one or the other, not both**), if all parties are in agreement or if a stipulation has been signed.
- **The Court requires that all mail contain a cover letter stating that opposing counsel/pro se party has reviewed the proposed order/judgment, etc., and does/does not object.**
- If one side objects to a proposed order, the objecting party shall submit a written statement to the Court explaining their objection. If no cover letter is provided indicating approval by the opposing side, the Court will not take action.

Some matters that do not require a hearing are as follows:

- Appointment of Special Process Server
- Stipulated Modifications
- Stipulated/Agreed Orders
- Motions for Substitution of Counsel (signed by both incoming attorney, outgoing attorney and client)
- Motions to Withdraw (with signed consent from client)
- Final Judgments of Paternity (with all issues resolved by signed agreement)

TEMPORARY RELIEF HEARINGS.

- See Administrative Order 2011-006 PA/PI-CIR and 2015-016 PA/PI-CIR regarding mediation requirement prior to temporary relief hearings.
- Hearings on temporary matters shall be thirty (30) minute proffer hearings and shall be noticed as “proffer hearing,” as agreed to by the local bar association.
- Please see the link below for more information regarding this Court’s use of “Proffer hearings” for temporary relief hearings.
www.jud6.org/ContactInformation/familyLaw/OrderOnTemporaryMatters_Conformed.pdf
- **Three days prior to the proffer hearing a Temporary Relief Hearing Memorandum must be filed with the Clerk of Courts by both parties and provided to opposing counsel/party.**
- **If the requesting party fails to file the Temporary Relief Hearing Memorandum timely, the proffer hearing may be cancelled.**
- If the opposing party fails to file the documents required by the Temporary Relief Hearing Memorandum, the proffer hearing shall proceed if desired by the requesting party.
- Only one proffer hearing will be heard on temporary matters.
- All other motions will be evidentiary hearings.
- See [www.jud6.org/Court Programs/Family Law/Family Court, Procedural Requirements Pasco Only](http://www.jud6.org/CourtPrograms/FamilyLaw/FamilyCourtProceduralRequirementsPascoOnly) section.

UNIFORM MOTION CALENDAR

- Hearings not anticipated to take more than 15 minutes, such as uncontested final hearings and other matters the Judge preapproves to be heard on the calendar.
- The Uniform Motion Calendar is not meant for contested or evidentiary hearings.
- All hearings must be scheduled by the Court’s Judicial Assistant.
- The Uniform Motion Calendar is Friday mornings.

SETTING HEARINGS

- Motions must be e-filed with the Clerk of the Court and sent to opposing counsel/self-represented party and showing on the docket **prior** to requesting hearing dates.
- Contact the Judicial Assistant via email for available dates and times. Keep in mind that the times and dates are not held.
- You must confirm your requested date and time with the Judicial Assistant.
- You will receive a confirmation email from the Judicial Assistant confirming the hearing date.
- Do not submit a Notice of Hearing until you have received the confirmation email. **All hearings must be coordinated with opposing counsel and/or opposing party if *pro se*.** (Please note that this Court is not utilizing JAWS for scheduling of hearings.)

- After three separate good faith scheduling attempts (not all in the same day) **without response** from the opposing party, the Court will move forward and set the motion for hearing.
- It is not the responsibility of the Judicial Assistant to coordinate dates with opposing counsel or monitor bickering between attorneys or their legal assistants. Under those circumstances, please notify the Judicial Assistant once a date has been agreed to by the parties.
- ***DO NOT cross-notice a hearing without prior Court approval. Any motion cross-noticed without Court approval may not be heard.***

AFTER A HEARING IS SET

- The Notice of Hearing must be filed with the Clerk of Court.
- Please include accurate information in your Notice of Hearing, such as the Judge's name, full address/method of how the hearing will be held, time of the hearing, length of time reserved, a list of the name(s) of the motion(s) to be heard, and the date(s) the motion(s) were filed.
- ***Do not cancel your client's hearing without notification of all parties.***
- The Judicial Assistant **must** be notified in a timely manner via email and a Notice of Cancellation of Hearing must be filed with the Clerk of Courts.

HEARING TIME

- When the Court indicates that hearing times are to be split equally between the parties, this includes: opening and closing remarks, the examination of witnesses, introduction of exhibits, objections, and legal arguments.
- The parties shall be responsible for allocating their time accordingly, however the Court will monitor the time each party uses.
- Unless addressed in advance and approved by the Court, all matters raised in a petition or motion shall be litigated within the time requested for a hearing. Absent permission from the Court, no additional time will be permitted to litigate a matter noticed for hearing.
- In estimating the time for a hearing, parties should also permit time for the Court to make findings and enter a ruling.

REMOTE HEARINGS.

- Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.530, all evidentiary motions and all non-evidentiary motions that require more than 30 minutes of hearing time shall be conducted in person at the West Pasco Judicial Center absent a written motion.
- During remote hearings all persons will comport themselves as if they were appearing before the Court in person.
- The Court will admonish, mute, and/or remove from a hearing anyone who does not conduct themselves with appropriate decorum.

- Hearings in which no testimony will be given or evidence received and which are scheduled for 30 minutes or less will be conducted telephonically via the Court's conference line (352) 534-5658. No motion is required in this circumstance.
- If a party would like to request that an evidentiary hearing or a hearing scheduled for more than 30 minutes be conducted via Zoom, the party must first inquire of the opposing counsel or self-represented party if they object to the request. The party must then file a motion with the court requesting the Zoom hearing. The motion shall specify if the opposing party has an objection to the Zoom hearing. The motion shall include with specificity what good cause exists for the request. The Court may rule on the motion without a hearing, or may set the motion for a hearing.
- Zoom hearings shall be scheduled by the Court, utilizing the Court's Zoom account.
- Zoom meeting and login information will only be sent to attorneys or self-represented parties. It is the attorney's/self-represented party's responsibility to share the login information with clients, court reporters, witnesses, or anyone else who is to attend the hearing.
- It is the attorney's/self-represented party's responsibility to share these guidelines with invitees and ensure their compliance.
- No unauthorized recording of remote hearings is permitted. This includes, but is not limited to, audio recording, video recording, or screen captures.
- All participants shall dress appropriately and govern themselves accordingly as if appearing in-person.
- Upon joining the meeting, all participants shall rename themselves, if necessary, so their identity is easily identifiable to the other participants. Participants should be cognizant of how they are identified as inappropriate names will be admonished and may be excluded to the virtual court hearing.
- Participants shall remain in the virtual waiting room until brought into the virtual courtroom.
- The Court will control access to the virtual courtroom.
- Participants should be cognizant of their surroundings and background. Virtual backgrounds are acceptable, but should not be a distraction. Similarly, virtual backgrounds should not contain offensive images or messages.
- Participants should make their best efforts to limit background noise. Participants should keep themselves muted when not talking to avoid disruptions.
- The Court will allow participants to share their screens for the viewing of exhibits and demonstrative aids. The Court may terminate the sharing of anyone's screen at any time.

PROPOSED COURT ORDERS/USE OF THE JUDICIAL AUTOMATED WORKFLOW SYSTEM (JAWS)

- **Submission of Proposed Orders**

Pasco County utilizes the Judicial Automate Workflow System (JAWS). All parties on a case should be registered with JAWS. For assistance with JAWS, see www.jud6.org/legalcommunity/JAWS/howto.html. Generally, the moving party will prepare a proposed order for the Court's review. **UNSIGNED PROPOSED ORDERS SHALL NOT BE**

SENT TO THE CLERK OF COURT AND SHOULD NOT BE FILED IN THE COURT FILE.

Parties shall submit proposed orders to the Court via JAWS. Proposed orders uploaded to JAWS must be in Adobe PDF. When the Court signs an order in JAWS, the order is automatically served upon all parties registered and case-connected with JAWS. As such, the Court may not provide attorneys or unrepresented parties with electronic conformed copies of orders filed in JAWS. If a proposed order is rejected, the party/counsel who submitted the proposed order may be required to submit a new proposed order to the Court.

- Review by Opposing Party

Unless otherwise informed in advance by the Court, the Court will not consider any proposed orders until the opposing party/counsel has had an opportunity to review it and lodge any objections. Proposed orders may not be submitted to the Court at the same time as communicating with the opposing party/counsel about the proposed order. The Court will not retain orders pending review by opposing party/counsel and those orders will be rejected. If there is no objection from the opposing party, the Court will sign the proposed order/judgment.

If the attorneys or parties are unable to agree on the wording of a proposed order, each attorney or party shall submit his or her own proposed order to the Court via USPS with a cover letter and envelopes that are addressed with proper postage.

- Cover Letters

All proposed orders, regardless of submission method, must contain a cover letter. Any proposed order without a cover letter may be rejected. Cover letters shall contain the full names of the parties, case number(s), date of hearing (if any), and should indicate whether the opposing counsel/self-represented party agrees or objects to the proposed order.

- Content of Orders

Proposed orders should not contain blanks for the Judge to fill in other than the date. The Judge's signature line must not be its own page.

PRE-TRIAL CONFERENCES

- Once a notice that cause is at issue has been filed and is showing on the Clerk's docket, contact the Judicial Assistant to request hearing time for a pre-trial conference.
- No motions will be heard at the pre-trial conference without prior approval of the Court.
- The attorney who will be conducting the trial must attend the pre-trial conference.
- Familiarity with the file and the pre-trial conference statement is essential for a meaningful pre-trial conference.
- The parties must also attend the pre-trial conference.
- It is assumed at pre-trial the case is ready to be tried, that there are no pending motions, and discovery is completed.
- Trial will not be set if there are outstanding motions or discovery.

- The non-jury trial may be scheduled after the pre-trial conference by contacting the Judicial Assistant by telephone.
- An attorney will not be permitted to withdraw less than 30 days before trial, absent exigent circumstances.
- In requesting a trial on the Court's calendar, counsel have acknowledged that they and their clients will be fully prepared to try the case when scheduled, inclusive of all financial matters between counsel and client.
- Accordingly, absent ethical issues, the Court does not contemplate allowing counsel to withdraw between pre-trial and trial.

HEARING/TRIAL MATERIALS

- Hearing Exhibits/Trial Notebooks must be provided to the Court and opposing counsel/party no later than three business days in advance of the hearing.
- The Court's copy must be by hard copy via postal mail or physical drop off.
- No documents will be accepted by fax or email.

MOTIONS FOR REHEARING, RECONSIDERATION, AND NEW TRIALS

- Such motions will not be set for hearing without review by the Judge.
- **Please submit a copy of the Motion to the Judge's office after it has been filed with the Clerk of Court** for entry of an Order.
- If the Judge finds that a hearing is required, the Judicial Assistant will contact the attorneys' offices and/or self-represented parties to schedule the hearing.

TESTIMONY FROM CHILDREN

- Testimony from children is not permitted unless the Court grants permission after a hearing on a Motion to Allow Child Testimony.
- The Court will not automatically honor stipulations for a child to testify in Court.
- Do not bring children to hearings without prior approval.

SUBSTITUTION OF COUNSEL

- Rule of Judicial Administration 2.505(e)(2) requires that the client agree IN WRITING.
- Proposed Orders Approving Stipulation for Substitution of Counsel without the written consent of the client(s) will not be signed.

APPEARANCE/CONDUCT AT HEARINGS

- It is expected that all parties and litigants will adhere to Administrative Order No. 2009-066 PA/PI-CIR RE: STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT.
- A party will not be permitted to appear in shorts.

WITHDRAWAL OF COUNSEL

- The Court will consider proposed Orders for Withdrawal of Counsel if accompanied by Stipulation for same signed by all parties (including client).
- Otherwise, a Motion and hearing will be required.