

**MERRILEE EHRLICH**  
CIRCUIT JUDGE  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
KATHY McAFEE, JUDICIAL ASSISTANT  
[www.17th.flcourts.org](http://www.17th.flcourts.org)



**BROWARD COUNTY COURTHOUSE**  
201 SE 6TH STREET, ROOM 11131  
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## **PROCEDURES FOR FAMILY DIVISION 40**

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**UPDATED 2-8-18**

Please visit: [www.17th.flcourts.org](http://www.17th.flcourts.org) and click the **ONLINE SCHEDULING** icon.

**DIVISION 40 IS NOW PARTICIPATING IN THE ONLINE SENDING OF AGREED ORDERS:**

**Please go to [www.17th.flcourts.org](http://www.17th.flcourts.org) and review the eOrder instructions prior to sending orders. If you send orders that are not included in the instructions they will be declined.**

### **SELF-REPRESENTED LITIGANTS:**

If you are not represented by an attorney and need guidance on how to proceed or to schedule a hearing, please contact our case managers at 954-831-8532. Self-help forms are available from the Clerk of Courts in room 04130.

### **COMMUNICATION:**

The Code of Judicial Conduct precludes the Judicial Assistant and other Division 40 personnel from speaking to you about substantive matters in your case.

The Judicial Assistant and other Division 40 personnel are not legally qualified to provide advice to anyone.

The Code prohibits all judges from considering ex-parte (one side only) communications.

Any issue to be considered by a Judge should be in the form of a Motion efiled with the Clerk of Court and copies provided to all parties of record. The mere efilng of a motion does not bring the matter before the Judge. You must provide a hard copy to the Judge with a cover letter explaining how much time you are seeking.

#### **MOTION CALENDAR:**

**Monday, Wednesday, and Thursday at 8:30 a.m.**

Motion Calendar is for Uncontested Final Hearings, adoptions and other non-evidentiary matters. The five (5) minute limit per motion and 2 motions per case per day maximum is strictly enforced.

Please **bring a proposed Order with copies for all parties to the hearing**. A hard copy of the **Notice, Motion with Attachments/ Exhibits and on line scheduling receipt** must be provided to the Judge for her review a **minimum of four (4) business days in advance** of the hearing date. Local Rule 10 will be strictly adhered to.

It is the responsibility of the moving party to coordinate the hearing with all attorneys/parties of record, and to provide proper notice to all using the on-line scheduling system found at [www.17th.flcourts.org](http://www.17th.flcourts.org). If a conflict or other sufficient reason exists, the opposing side must be consulted for agreement and then the Judge's permission is required before a Telephonic appearance is permitted. Please submit your request in writing to the Judge with a proposed order, copies and self- addressed stamped envelopes. When approved, this Court utilizes the services of ***Court Call*** for all telephonic appearances. They can be reached at **888-882-6878**.

#### **SPECIAL SET HEARINGS:**

Even though you have efiled it, you must submit a hard copy of your motion with a cover letter telling us how much time you need for the hearing, directly to the Judge's office.. The Judicial Assistant will

contact you advising of the date and time for the hearing, or if a referral to the General Magistrate/Hearing Officer is required. Please consult with opposing counsel after requesting a special set hearing so everyone's availability will be considered. All secured Special Set Motions shall be noticed by the moving party. A maximum of two (2) hours can be set aside. If more than 2 hours is needed, you must put your request on the Motion Calendar. Time limits will be strictly enforced. Even though you have efiled it, a hard copy of the Notice of Hearing must be received in the Judge's office a minimum of 4 business days prior to the scheduled hearing date.

**COURT REPORTERS /STENOGRAPHERS** are not permitted to utilize separate/independent recording devices in Court proceedings.

**PLEASE CALL THE JUDGE'S JUDICIAL ASSISTANT AND NOTIFY US OF ANY CANCELLATIONS, TIMELY.**

**'EMERGENCY HEARINGS' Are ONLY those in which DEATH or MANIFEST INJURY will occur if immediate relief is not afforded (Admin. Order 11-88-A-1)**

**Ex-parte (without prior notice) Emergency Motions**

A hard copy of the sworn ex-parte motion and four (4) copies of a proposed ex-parte order in compliance with A.O. 2008-60-UFC and on the applicable forms shall be submitted to the Judge. Originals shall be efiled with the Clerk of the Court. Do not send the Judge the originals. Every request for an emergency ex-parte order or hearing shall be reviewed by the Judge as soon as practicable. The Judicial Assistant will contact you when the order is signed or if a hearing is needed.

**Emergency Motions with Prior Notice**

A copy of the sworn ex-parte motion in compliance with A.O. 2008-60-UFC and on the applicable forms shall be submitted to the Judge with a cover letter advising how much time is needed for your hearing. Originals shall be efiled with the Clerk of the Court. Do not send the Judge the originals. Even though you have efiled your

motion, every request for an emergency ex-parte order shall be provided by hard copy to be reviewed by the Judge as soon as practicable.

After the Judge reviews the motion, she will give instructions to the Judicial Assistant about setting the motion for hearing. The Judicial Assistant will contact you to advise you of the Judge's instructions.

A **child emergency** is a matter of imminent or impending abuse, neglect, or abandonment affecting the health, safety, or welfare of a child. F.S. 39.201, mandates certain alleged abuses be reported in Florida. If the allegations fall within the statute, the matter shall be reported to the Abuse Hotline, 1.800.96.abuse.

An emergency that is **not a child emergency** is defined by FRCP 1.610(a) (1) as a matter in which "immediate and irreparable injury, loss or damage will result" and for which there is not adequate remedy at law.

Supreme Court forms are mandatory for emergency matters. 17<sup>th</sup> Judicial Circuit forms, when they exist, are mandatory.

## **CASE MANAGEMENT CONFERENCES:**

Case Management Conferences are set by the Court and held primarily on Fridays starting at 8:15 a.m., but may be set with a scheduled hearing.

**ALL ATTORNEYS OF RECORD AND PARTIES SHALL APPEAR AT THE CASE MANAGEMENT CONFERENCE. PARTIES MAY ONLY APPEAR BY TELEPHONE IF THEY HAVE OBTAINED THE JUDGE'S PERMISSION AND HAVE COMPLIED WITH ALL MANDATORY DISCLOSURE AND FILING REQUIREMENTS PRIOR TO CASE MANAGEMENT AND ARRANGE FOR COPIES TO BE BROUGHT TO THE CASE MANAGEMENT CONFERENCE. WHEN APPROVED, ALL TELEPHONIC APPEARANCES ARE HANDLED BY COURTCALL AT 888-882-6878.**

If you wish to be excused from Mandatory Case Management Conference, Exactly comply with the following procedures:

ADDENDUM TO ORDER SETTING CASE MANAGEMENT  
CONFERENCE (2-1-18 Effective Date)

1. You may file a written joint case management summary and might be excused from appearing at the case management by filing a paper signed by both attorneys with the following information:
  - a. The upcoming date of scheduled mediation.
  - b. Certify completion of the requirements of paragraph 4A through E of the Order Setting Case Management Conference.
  - c. List all pending Motions requiring hearing dates or certify there are none.
  - d. State the reasons the case is not ready to be set for final hearing and state the month when the next case management should be scheduled and why.
  - e. Any other information you believe would be helpful to the Court.
2. A copy of the joint case management summary must be sent to the Judge's office no later than five (5) business days before the case management conference. You will be notified if your appearance is excused. DO NOT call the Judge's office. If you go not receive a call, you are required to attend the case management conference as scheduled.

If the case settles, then the Court will hold the uncontested final hearing at the time of the case management conference.

## **MEDIATION:**

### **A TRIAL/FINAL HEARING DATE WILL NOT BE SET UNTIL THE PARTIES HAVE ATTENDED MEDIATION.**

An Order of Referral to Mediation must be accompanied by current financial affidavits of both parties before such an order will be entered.

It is important that the parties appear, in person, at mediation, as a rule; however, if a party resides out of the tri-county area, there is a medical hardship, or other special circumstance, the parties are always welcome to bring a motion for telephonic appearance at mediation.

Mediate prior to temporary relief hearings, early in the case, a minimum of once (1 time) every six (6) months the case is open, when a new attorney appears in the case and often.

## **NOTICE FOR TRIAL:**

When both sides agree that a case is “Trial Ready”, **it must be placed on the Motion Calendar for a Case Management hearing** before a Final Hearing date will be scheduled. Please bring your calendar with you to the Case Management hearing.

## **CANCELLATIONS:**

Please check your email for cancellations of Motion Calendar hearings.

All other scheduled hearings and case management conferences are set by Order of the Court. Attorneys and parties cannot cancel hearings without permission of the Judge or agreed order resolving the matter of the hearing, submitted at the time of the hearing. If attorneys and parties do not appear, an Order deeming the matter moot shall be entered, or the case may be dismissed.

\*If both parties have resolved the scheduled issue, please extend the common courtesy of calling the Judge’s Judicial Assistant to notify us of such, as soon as possible.

**PLEASE** do not call to inquire as to whether or not the Judge has received or signed a particular order. The daily volume of mail and phone calls precludes an accurate answer. Orders are conformed and processed as quickly as possible. Immediate demanding and/or incessant, phone calls are unprofessional.

At the present time, **e-mails and faxes** are not accepted by our office.

**We** appreciate your cooperation and your understanding

Thank you,  
**FAMILY DIVISION 40**