

Alison Kerestes
Circuit Judge

Orange County Courthouse
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Ninth Judicial Circuit of Florida

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DIVISION 44 POLICIES AND PROCEDURES

PLEASE NOTE: These procedures apply to Judge Alison Kerestes in Division 44 only. Where a [Ninth Circuit Administrative Order](#) or the [Florida Family Law Rules](#) conflict with these Policies and Procedures, the Order or Rule will control. Please read these rules in their entirety. If you have questions not answered below, please inquire via email at the [division email](#).

CONTACT: The division email should be used for all hearing requests or other matters. You must copy opposing counsel and self-represented litigants on all correspondence to the Judicial Assistant (JA) at the division email. The division email is: 44orange@ninthcircuit.org

SELF-REPRESENTED LITIGANTS: Please review [Administrative Order 2017-08-01](#), which establishes procedures for self-represented litigants in the Domestic Relations Division. The Judge and the JA cannot provide legal advice to you regarding your case. If you need additional assistance and cannot afford to hire an attorney, please contact the [Orange County Bar Association](#), [Community Legal Services](#), [Family Court Case Management](#), [the Self Help Center](#), or [Legal Aid](#). The [Family Court Case Management Office](#) has an [online form](#) for self-represented litigants to request assistance.

ADDITIONAL RESOURCES: Additional information, resources, and forms can be found at the following links:

[Judge Alison Kerestes](#)
[Judge Kerestes' Ninth Circuit Page](#)
[Judge Kerestes' aiCalendar Online Docket](#)
[Ninth Circuit Administrative Orders](#)
[Judge Kerestes' WebEx Link](#)
[Family Law Forms](#)
[Ninth Circuit Family Court Case Management Services](#)
[Domestic Violence Resources](#)

DV AND RELATED DR COURTROOM ASSIGNMENTS:

Four judges are currently assigned to Domestic Violence Injunctions (DV) and related Domestic Relations (DR) cases. The judges rotate through the courtrooms on a four-week rotation. Below is a description of what is heard in each courtroom.

COURTROOM 16-A INJUNCTION COMPLIANCE HEARINGS

Wednesday Mornings

The Court sets all Injunction Compliance Hearings. They may be held virtually or in person, so check your Order Setting Compliance Hearing for information on how to appear. These hearings are not coordinated with counsel or the parties. Rather, they are set following the entry of an Injunction or at a prior Compliance Hearing. Cases requiring a Spanish interpreter are heard on Wednesdays between 11 am and noon. For all languages, please notify the JA by emailing the [division email](#) if an interpreter is needed.

If you are scheduled for a Compliance Hearing and have proof of compliance to submit to the court, please email it to InjunctionsOrange@ocnjcc.org before the hearing date.

COURTROOM 16-B INJUNCTION RETURN HEARINGS

Monday – Thursday 8:30 am, 10:00 am, 1:00 pm, and 2:00 pm
Fridays 8:30 am, 10:00 am (as needed)

Return Hearings are the final hearing that follow a Petition for Injunction where the Court determines whether a Final Judgment of Injunction will be entered. All Return Hearings are held in person. You may request permission for a witness, party, or attorney to appear virtually via Motion. The e-filed Motion and proposed Order must be sent to the [division email](#) at least one business day before the hearing. Cases requiring a Spanish interpreter are heard on Thursdays. If your case requires a Spanish interpreter and is not currently set for a Thursday, please notify the JA via the [division email](#). For all languages, please notify the JA by emailing the [division email](#) if an interpreter is needed.

COURTROOM 16-C RELATED DOMESTIC RELATIONS CASES (NO DV)

Hearing availability viewable on [aiCalendar](#); request by emailing the [division email](#)

Hearing time availability can be viewed on the [aiCalendar Online Docket](#). However, due to the four-week rotation and the complexity of the calendar, the best practice is to request hearing time by sending an email to the [division email](#). To search availability on [aiCalendar](#), it is suggested that you click on [“Available Hearings”](#) and then toggle to view the [“Weekly Docket.”](#) Parties and attorneys may appear virtually for non-evidentiary hearings of less than 30 minutes by agreement or Motion/Order. Please see the Virtual Appearances section

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below for more guidance on appearing virtually. The Court does not provide interpreters for DR cases. If an interpreter is needed, you must bring your own.

COURTROOM 16-D MISC DV HEARINGS

Hearing availability is viewable on [aiCalendar](#); request by emailing the [division email](#).

Longer or special set return hearings and other miscellaneous motions in DV cases are heard this week. Hearing time availability can be viewed on the [aiCalendar Online Docket](#). However, due to the four-week rotation and the complexity of the calendar, the best practice is to request hearing time by sending an email to the [division email](#). It is suggested that you click on [“Available Hearings”](#) and then toggle to view the [“Weekly Docket.”](#) Parties and attorneys may appear virtually for non-evidentiary hearings of 30 minutes or less by agreement or Motion/Order. Please see the Virtual Appearances section below for more information on appearing virtually. Cases requiring a Spanish interpreter are heard on Wednesday afternoons. For all languages, please notify the JA by emailing the [division email](#) if an interpreter is needed.

EVIDENCE REQUIREMENTS: For all evidentiary hearings set for one hour or more and all non-jury trials, the litigants are required to file a Witness and Exhibit List and exchange all exhibits no later than three (3) days before the hearing or as otherwise Ordered by the Court. You must comply with any time constraints or other requirements set by these Policies and Procedures and any Orders relating to the hearing or trial where you wish to offer the evidence. Failure to comply may result in the denial of your request to enter the item into evidence.

Exhibits that will be offered into evidence should be pre-marked using the court-approved tags. You may obtain tags from the trial clerk or the clerk’s office. You are responsible for providing a copy of all exhibits to opposing counsel or self-represented litigant. If you wish to provide copies of proposed exhibits to the Court before the hearing or trial, please email the [division email](#) to obtain a link to upload exhibits or receive further instructions on providing them to the Court. Please do not email the exhibits. You must still bring a hard copy of all exhibits to court for the trial or hearing. The Court cannot print your exhibits, and uploading them to the drop box or filing them in the court file is insufficient for admission into evidence.

Please note: The court cannot play a CD or DVD, and you should provide a USB drive with any video, audio, or photos (unless printed) or make your own arrangements for the CD or DVD to be played. (Bring your own device or contact the [AV Department](#) for further assistance.)

Final Hearings for Injunctions: Attaching proposed evidence to the Petition for Injunction or other pleadings is insufficient. Copies must be brought to the hearing in accordance with these rules and any Orders relating to the hearing for consideration.

SPECIFIC MOTIONS AND SETTING HEARINGS

PREREQUISITE TO SETTING HEARINGS: Counsel shall comply with [Administrative Order 2014-19](#) before coordinating a hearing. Specifically, the hearing coordination and “meet and confer” portions of the Order must be met before scheduling a hearing. Additionally, mediation is required before seeking temporary relief or setting a case for trial in a DR case. Please see the Mediation and Trial Procedure sections below for additional information.

The judge will review requests for hearing time, and an Order may be entered without a hearing. If either side receives an Order contrary to their position, you may file a timely Motion for Reconsideration.

Please note that the court reporting system records DV hearings but not DR hearings. If you require a recording of a DR hearing, you must hire your own court reporter.

SETTING HEARINGS: Once you have satisfied the “meet and confer” requirement, obtain hearing time availability. Hearing time availability can be viewed on the [aiCalendar Online Docket](#). However, due to the four-week rotation and the calendar’s complexity, the best practice is to request hearing time by sending an email to the [division email](#).

Next, coordinate your hearing with opposing counsel or self-represented litigant. Please refer to [Administrative Order 2014-19](#) for guidance where the opposing counsel or self-represented litigant fails to “meet and confer,” does not respond, or refuses to coordinate the hearing.

Finally, email the [division email](#) to reserve the hearing time. Please attach an e-filed copy of the relevant Motion to your request. You must copy opposing counsel or self-represented litigant on all correspondence to the division email. If any party or attorney wishes to appear virtually, please refer to the instructions on virtual appearances before scheduling your hearing. Please include the following information in your request:

1. Case Number
2. Both Petitioner’s and Respondent’s Name and Attorneys’ Name(s)
3. Title of Motion and Date Filed
4. Date, Time, and Length of Time Being Requested
5. Whether the Hearing is Evidentiary in Nature (Testimony or Evidence Expected)
6. Certificate of Compliance with “Meet and Confer” and Hearing Coordination Requirements in [Administrative Order 2014-19](#)
7. Requests or Agreements to Appear Virtually
8. If DV, Whether an Interpreter is Needed, and Language Requested
9. Whether any Party is in Jail and Needs to be Transported to Court

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All hearings, including ex/parte short matters, must be confirmed by the JA to appear on the docket. Once the hearing is confirmed, the Court shall enter an Order Setting Hearing. Cross-notices are not permitted without the agreement of the opposing side and approval from the Court.

Please note: Due to the high frequency of self-represented litigants and the sensitive nature of DV cases, the Court typically enters an Order Setting Hearing rather than requiring a Notice of Hearing to be filed by the litigants or attorneys.

EX PARTE/SHORT MATTERS:

Most Tuesdays and Thursdays, 8:30 to 9:00 am via [WebEx](#)

Ex parte and short matters are typically held virtually via [WebEx](#) twice weekly. This may be used for uncontested matters such as Motions to Withdraw, Uncontested Final Hearings, Agreed Orders, Motions to Continue, and matters involving legal arguments of 15 minutes or less. Hearings requiring testimony, evidence, or more lengthy argument are not appropriate. If you intend to hire a court reporter or want to appear in person, the matter is not appropriate to be heard on the ex parte docket.

Please email the [division email](#) to confirm available ex parte dates and coordinate a date with opposing counsel or self-represented litigants. Include an e-filed copy of the Motion and a Word copy of the proposed Order. Once you have coordinated a date, confirm the date and time by emailing the [division email](#). If unable to coordinate the date with opposing counsel or self-represented litigant, detail your efforts to coordinate the hearing when you confirm the hearing time. The Court will enter an Order Setting Hearing once the date is confirmed.

Note: Many issues can be ruled upon in Chambers without a hearing. Before setting the hearing, you may inquire by email to the [division email](#) whether a hearing is required.

VIRTUAL APPEARANCES: Where virtual appearances are permitted, parties and attorneys may appear virtually for non-evidentiary hearings that are 30 minutes or less by using the [WebEx link](#). See [Florida Rule of General Practice and Judicial Administration 2.530](#) for additional guidance on virtual appearances.

“Non-evidentiary” means there will be little to no testimony, and nothing will be entered into evidence. Where there is agreement to appear virtually, please notify the JA while scheduling the hearing. If there is no agreement, the party or attorney requesting a virtual appearance should file a Motion and send a copy of the e-filed Motion and proposed Order in Word format to the division email while scheduling the hearing or no later than two business days before the hearing. The Motion should state the good cause basis for a virtual appearance and include the opposing party’s position on the request.

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If the hearing is set for over 30 minutes in length or is evidentiary in nature, the hearing shall be held in person unless prior approval is granted via Motion and Order. You may request permission for a witness, party, or attorney to appear virtually, as detailed above.

If any witness, party, or attorney will appear by [WebEx](#), please ensure you are familiar with the technology, know how to mute/unmute yourself and turn your camera on/off, and are logged in at the start time for the hearing. If you are not comfortable with the technology, please email the [division email](#) to set up a time to practice when Court is not in session.

EMERGENCY MOTIONS: All Emergency Motions must include “EMERGENCY MOTION” in their title. The Motion should also be verified. Please email the e-filed copy of the Motion to the [division email](#) and indicate in the email’s subject line that it is an Emergency Motion. An Emergency Motion is only appropriate in “an emergency situation, such as where a child is threatened with harm, or where the opposing party plans to remove the child from the state improperly. *Loudermilk v. Loudermilk*, 693 So. 2d 666, 668 (Fla. 2d DCA 1997). If it is expedited relief that you are requesting, title your Motion “EXPEDITED” rather than “EMERGENCY,” and proceed accordingly.

Once an Emergency or Expedited Motion is received via the [division email](#), the Court will review the Motion and either (1) enter a ruling on the Motion without a hearing, (2) set a hearing for the Motion to be heard on an emergency basis, or (3) deny the Motion as to being an emergency, and provide further direction to the parties. If the Motion requests temporary relief, mediation may be required before the Court sets the matter for a hearing.

MOTIONS TO CONTINUE: Pursuant to [Florida Rule of General Practice and Judicial Administration 2.545\(e\)](#), continuances should be rare, and good cause for the continuance should be shown. All Motions to Continue must be signed by the party requesting the continuance except where good cause as to why a signature can’t be obtained is shown. Please advise on either the opposing party’s position or your attempts to obtain it.

If the opposing side objects to the continuance or you cannot obtain their position, the Motion should be set for hearing before the time the hearing or trial is scheduled where feasible. Motions to Continue may be set on the ex parte/short matters docket. If no earlier hearing time is available, the Motion will be heard when the hearing or trial is scheduled. A new hearing or trial time will be set if the continuance is granted. If the continuance is denied, the scheduled hearing or trial will proceed.

MOTIONS TO WITHDRAW AND SUBSTITUTION OF COUNSEL: Please review [Florida Family Law Rules of Procedure 12.040](#) and [Florida Rule of General Practice and Judicial Administration 2.505](#), as it relates to Motions to Withdraw. All Motions to Withdraw or for Substitution of Counsel should include the client’s signature and must contain their last known address and an email address, if available. The Motion must be served on the client. If you cannot obtain written consent to withdraw from the client, the Motion must be set for hearing with notice to the client.

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Motions to Withdraw or to Substitute Counsel may be set on ex parte/short matters or at a regularly scheduled hearing. Please allow sufficient time for the client to be notified and direct them to appear at the hearing. The Court considers a minimum of seven days' notice sufficient time.

UNCONTESTED FINAL JUDGMENTS: Attorney Uncontested Dissolution of Marriage are set before the Judge assigned to the case. Complete the [Uncontested Dissolution Checklist](#), the proposed Final Judgment, and all agreements, and email it to the [division email](#). The Parenting Plan and any Marital Settlement Agreement should be incorporated into the Final Judgment and sent to be attached as exhibits. Any Final Judgment in a case with children must include full names and dates of birth of the child and all child support details. Send all documents to the [division email](#) when requesting hearing time. Send the Final Judgment in Word format.

These may be set during regular hearing time or on the ex parte docket if the parties are confident it can be handled in fifteen minutes or less. Remember that the ex parte docket is virtual, and the proposed Final Judgment must be sent to the Court before the hearing.

Uncontested Final Hearings may be conducted in writing without requiring attorneys or parties to appear by filing a Motion and Waiver for a Written Final Hearing. The [Required Checklist for Entry of Final Judgment without Personal Appearance](#) must be submitted to the [division email](#) along with all applicable agreements and the proposed Final Judgment in Word format.

Uncontested Paternity Final Judgments and Supplemental Final Judgments may be emailed to the [division email](#) for review by the Judge without a hearing if all required documents have been filed. Please indicate whether the Final Judgment is agreed upon.

MEDIATION AND TRIAL PROCEDURE FOR DR CASES

MEDIATION REQUIREMENT: Pursuant to [Administrative Order 2004-14-02](#), parties must attend mediation before seeking temporary relief or setting a case for a Non-Jury Trial. More information on this process is below. After attending mediation, parties may seek temporary relief or file a Notice of Non-Jury Trial. Motions to Dispense with Mediation can be sought for those parties with a history of domestic violence pursuant to [Florida Statute 44.102\(2\)\(c\)](#).

TEMPORARY MATTERS (FORM 50): Parties should attend Mediation before requesting hearing time for temporary relief in DR cases. To schedule a mediation, file [Form 50](#) with Dispute Resolution. [Form 50](#) may be faxed to 407-836-2367 or emailed to OrangeCountyDRS@ocnjcc.org. If, after Mediation, the parties cannot reach agreement, a hearing on temporary matters may be scheduled with the Court.

NOTICE OF NON-JURY TRIAL, FORM 50 AND FORM 51: Before trial, the parties must attend Mediation within the last 180 days before filing a Notice for Non-Jury Trial to attempt a resolution of all matters in the case or obtain approval from the Court to dispense with mediation. [Form 50](#) should be prepared and faxed to Dispute Resolution at 407-836-2367 or emailed to OrangeCountyDRS@ocnjcc.org to schedule Mediation.

After Mediation is concluded, if any or all issues are unresolved, a Notice for Non-Jury Trial should be filed with the Clerk's office. Pursuant to [Administrative Order 2004-14-02](#), counsel or self-represented litigants must attach a [Form 51](#) to their Notice of Trial. If the case is a Dissolution of Marriage with Children or a paternity case, parenting class certificates must be filed with the Clerk's Office pursuant to [Florida Statute 61.21](#) and [Administrative Order 07-98-37-01](#).

Email a copy of the e-filed Notice and [Form 51](#) to the [division email](#) in order for the trial procedure process to begin.

CASE MANAGEMENT CONFERENCE: After the Notice for Non-Jury Trial and [Form 51](#) are received by the Court, the Court will issue an Order setting a Case Management Conference (CMC). The Court may also set a CMC on its own accord and routinely sets all DR cases for a CMC. Please note that where the Court sets a CMC, it is held pursuant to [Florida Family Rule of Procedure 12.200](#), which may include the setting or disposition of any outstanding Motions and place other requirements on the parties. Before the CMC, counsel and self-represented litigants must comply with all aspects of the Order setting the CMC.

All counsel and all parties must be present for the CMC unless previously excused by the Court. CMCs will generally be held virtually using the [WebEx link](#). If any party or attorney wishes to appear in person, please send a request to the [division email](#). If the case is ready for trial, a pre-trial conference (PTC) will be set at the CMC, and the Court will enter a Uniform Pre-trial Order (UPTO). Another CMC will be set if the case is not ready for trial.

UNIFORM PRE-TRIAL ORDER REQUIREMENTS: Before the PTC, counsel and self-represented litigants must comply with all aspects of the UPTO. If modifications or extensions of time are needed, a timely Motion to Modify the UPTO is required.

To streamline the issues that will be addressed at trial, parties and attorneys must prepare documents before the PTC to assist the Court. The UPTO will detail these requirements. Sample forms and instructions are available at the websites listed under Additional Resources on the first page of these policies and procedures. If an Injunction or criminal No Contact Order prohibits unrepresented parties from communication, each party shall prepare their own documents and file or provide them to the Court as directed in the UPTO. Failure to follow the requirements of the UPTO may result in the cancellation of your PTC or trial and the imposition of other sanctions. Examples include the following:

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Proposed Parenting Plan: Where the parties disagree on a Parenting Plan, the court may require the parties to produce a joint redline Parenting Plan. [Instructions](#) for creating a redline Word document are available online. You may also refer to the Parenting Plan in [Family Law Form 12.995](#). If an Injunction or criminal No Contact Order prohibits unrepresented parties from communicating, each party shall file their own proposed Parenting Plan. If a party or attorney is unable to secure cooperation from the opposing party or counsel, they should file their own proposed Parenting Plan in accordance with the deadlines in the UPTO.

Pre-Trial Statement: The UPTO requires a Joint Pre-Trial Statement with stipulations or proposed stipulations. A [sample form](#) is available online for your use. If an Injunction or criminal No Contact Order prohibits unrepresented parties from communication, each party shall file their own Pre-Trial Statement. If a party or attorney is unable to secure cooperation from the opposing party or counsel, they should still file their own Pre-Trial Statement in accordance with the deadlines in the UPTO.

Equitable Distribution Spreadsheet: The UPTO requires a Joint Equitable Distribution Spreadsheet. An [Excel spreadsheet](#) is available online for your use. If an Injunction or criminal No Contact Order prohibits unrepresented parties from communication, each party shall provide their own Equitable Distribution Spreadsheet. If a party or attorney is unable to secure cooperation from the opposing party or counsel, they should still file provide own Equitable Distribution Spreadsheet in accordance with the deadlines in the UPTO.

Attorneys and self-represented litigants must provide a copy of all exhibits to the opposing counsel or self-represented litigant pursuant to the UPTO, even if the items were previously disclosed through the Discovery process.

PRE-TRIAL CONFERENCE: All parties and their attorneys must appear at the PTC. The Non-Jury Trial will be scheduled at the PTC and will occur approximately 4 to 8 weeks after PTC or as soon as practical, given the Court's availability of hearing time. PTCs will be held virtually using the [WebEx link](#). If any party or attorney wishes to appear in person, please send a request to the [division email](#). After PTC, the Court will issue an Order setting the Trial.

NON-JURY TRIAL: Non-Jury Trials will be held in person. See the Virtual Appearances section for more information to request that a witness appear virtually. The Court generally issues an Order Governing Trial. Attorneys and self-represented litigants must comply with all requirements in a timely fashion. Both sides must provide an updated Final Judgment, Parenting Plan, and Child Support Guidelines to the Court and opposing counsel or self-represented litigant at least three business days before or as detailed in the Order Setting Trial. Please send the proposed Final Judgment and Parenting Plan to the [division email](#) in Word format.

MISCELLANEOUS

CANCELLATIONS: To request the cancellation of a hearing, email your request to the [division email](#) before the hearing date (whenever possible). If no confirmation of the cancellation is received from the JA, the parties are expected to appear at the date and time the hearing is scheduled. The parties may not unilaterally cancel a hearing or trial but must obtain approval from the Court or appear as scheduled.

REQUESTS FOR REHEARING OR RECONSIDERATION: Where parties or attorneys wish for the Court to rehear or reconsider an Order or Final Judgment, you must first timely file the Motion for Rehearing or Reconsideration pursuant to the [Florida Family Law Rules](#). Email the e-filed copy of the Motion to the [division email](#) for review. The Court will either (1) enter a ruling on the Motion without a hearing or (2) direct the parties to coordinate a hearing for the Motion for Rehearing or Reconsideration to be heard. A separate hearing will be set on the underlying issue if the request is granted.

AUDIO/VISUAL EQUIPMENT IN THE COURTROOM: If assistance with audio/visual equipment is needed, contact the IT Department/Help Desk Line at (407) 836-0522 or by [online request](#). Additional information can be found on the [Ninth Circuit's Technology Support](#) page. Please note that audio/video equipment may have changed since you last used it, so plan accordingly. The Court will make the courtroom available for advance preparation. The requesting party is responsible for ensuring any digital media works and making arrangements for its use in court.

REASSIGNMENTS: Reassignments among divisions are done by Order of the Family Court Division Administrative Judge pursuant to [Administrative Order 2017-10-01](#). DV and DR cases may not be consolidated, but the same judge will generally hear related cases. If you have an active Final Injunction or a previously entered Final Injunction that has expired within the last two years and an active DR case with the same parties currently in front of different judges, email the [division email](#) to request they be set before the same judge.

INTERPRETERS: The Court can only provide interpreters for DV cases, not DR cases. If you need an interpreter for a DR case, you must supply your own interpreter. The interpreter does not have to be court-certified but must understand English and your preferred language fluently. If you need an interpreter for a DV case, please send a request to the [division email](#) before the hearing so arrangements can be made.

SUPPORT OR INCOME DEDUCTION ORDERS: When submitting an Order or Final Judgment directing a party to make payments to the State Disbursement Unit, please submit an Income Deduction Order (IDO) (with attached Income Withholding Order (IWO) if there is child support) to be entered by the Court. Please use [Form 12.996 \(IDO\)](#) and the [OMB approved form \(IWO\)](#) available online. The receiving party is responsible for ensuring the Obligor's employer receives a copy of the Withholding Order.