

DOMESTIC RELATIONS PROCEEDINGS

This section provides guidance on procedures to be used when completing the Domestic Relations portion of the monthly SRS forms. For ease of following the SRS forms, this section is divided into the major sections indicated on the form. Each **U** or **Y** indicates guidelines and directions that should be followed when completing specific sections of the SRS form.

Note: The section entitled Case Type Determinations (pages 3-10 and 3-11) provides case type and category definitions. The SRS reporting form for the Domestic Relations division is located in the tabbed section entitled SRS Reporting Forms (page 12-4).

FILINGS

Number of Filings

Please refer to section “A” of the SRS form which reports information associated with the number of cases filed during the specified reporting period. Report these cases filed as of the clerk’s document **stamp date**.

- U** Report in the appropriate case type, the number of complaints or petitions filed during the reporting period.
- U** Report cases transferred to the reporting court from another court **prior to disposition**.
- U** Report domestic relations cases which arise out of or occur in conjunction with criminal cases (e.g., domestic violence).
- U** Report domestic relations cases which arise out of or occur in conjunction with probate cases or other civil suits.
- U** Report each filing in situations where separate petitions/complaints are filed under the same case number. For example, if a petition for protection against domestic violence is combined under the same case number with a petition for dissolution of marriage, **report each filing under the appropriate case type** (See Frequently Asked Questions, page 3-15).
- U** Report Uniform Interstate Family Support Act (UIFSA) petitions which are filed with the clerk’s office **to determine** initial child support and/or paternity obligations.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include the reporting errors.

- Y **DO NOT** report cases which were previously reported as disposed that are resubmitted to the court (See Number of Reopened Cases, page 3-8).
- Y **DO NOT** report as filings, UIFSA transmittal petitions and foreign support orders (foreign judgments) which are registered with the clerk's office for the purpose of obtaining a case number to track support payments. These case numbers should receive an administrative case number or some other method for tracking support payments without reporting them for SRS (See Number of Reopened Cases, page 3-8 and 3-9).

NOTES

Number of Dispositions

Please refer to section "B" of the SRS form which reports information associated with the number of cases disposed during the specified reporting period. Report these cases disposed as of the clerk's document **stamp date** on the final disposition paperwork.

- U Report in the appropriate case type and disposition category, the number of cases disposed during the reporting period.
- U Report cases disposed after the final judicial decision which terminates a civil proceeding by a final judgment or order entered by the court. For purposes of SRS reporting, include the following:
 - C Cases that are consolidated into a primary case. A primary case remains open until final judicial decision is entered;
 - C Cases transferred to another court or jurisdiction; and
 - C Cases in which an order approving the stipulation or conditional judgment is entered by the court.
- U Report each disposition in the appropriate case type and disposition category in situations where separate petitions/complaints are disposed under the same case number. For example, if a petition for protection against domestic violence is combined under the same case number with a petition for dissolution of marriage, report each disposition under the appropriate case type and disposition category.

DISPOSITIONS

U Report each disposition in the category that involves the greatest amount of judicial time using the following scheme which ranks disposition types in descending order from greatest judicial time to least judicial time:

1. Disposed by Jury Trial;
2. Disposed by Non-Jury Trial;
3. Disposed by Judge;
4. Dismissed, Settled, or Disposed After Hearing;
5. Disposed by Default;
6. Dismissed, Settled, or Disposed Before Hearing; and
7. Disposed by Other.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- Y** **DO NOT** report applications for voluntary binding arbitration for SRS. However, the law requires the clerk of court to keep separate records of the applications.
- Y** **DO NOT** report cases dismissed when a leave to file an amended complaint is issued. **Report these cases disposed when the final disposition occurs.**
- Y** **DO NOT** report cases disposed when an abatement is issued to stay the proceedings. **Report these cases disposed once a final judgment or order is entered by the court.**
- Y** **DO NOT** report domestic violence cases as disposed when an ex parte temporary injunction is granted by the court. **Report these cases disposed when a hearing is held and the court either grants the injunction for protection against domestic violence or dismisses the case.**
- Y** **DO NOT** report cases disposed when referred to mediation or arbitration. **Report these cases disposed once the final judgment or order is entered by the court.** These cases are **not** reported as disposed in the **Disposed by Other** disposition category unless **Disposed by Other** is the actual disposition (See Disposed by Other dispositions page 3-7).
- Y** **DO NOT** report the dispositions of reopened cases.

DISPOSITIONS

NOTES

DISPOSITION CATEGORIES

Dismissed, Settled, or Disposed Before Hearing

- U Report in the appropriate case type, the number of cases dismissed before a hearing is held.
- U Report cases dismissed due to **lack of prosecution** before a dismissal hearing is held.
- U Report voluntary dismissals entered prior to a hearing.
- U Report cases disposed that are settled prior to a hearing.
- U Report cases disposed upon entry of an order of dismissal by the court pursuant to a stipulation and agreement prior to a hearing.

Dismissed, Settled, or Disposed After Hearing

- U Report in the appropriate case type, the number of cases dismissed after a hearing is held.
- U Report cases dismissed due to **lack of prosecution** after a dismissal hearing is held.
- U Report cases dismissed by the judge after a hearing is held.
- U Report voluntary dismissals entered after a hearing is held.
- U Report cases disposed that are settled after a hearing is held.
- U Report cases disposed upon entry of an order of dismissal by the court pursuant to a stipulation and agreement after a hearing is held.

Disposed By Default

- U Report in the appropriate case type, the number of cases disposed after a defendant fails to contest the plaintiff's allegation, and a judgment or order against the defendant is entered by the court (See Frequently Asked Questions, page 3-12).

DISPOSITIONS

Disposed By Judge

For SRS reporting purposes, consider a disposed by judge disposition as a judgment or disposition reached by the judge in a case which is **not dismissed** and in which **no trial** is held.

- U Report in the appropriate case type, the number of cases disposed after a judgment or decision has been rendered by a judge.
- U Report stipulations/conditional judgments as disposed when the order approving the stipulation or conditional judgment is entered by the court.
- U Report cases disposed as a result of the granting of a motion by the court for judgment on the pleadings.
- U Report cases disposed as a result of a summary judgment after hearing by the judge.
- U Report cases disposed **upon a decision or judgment entered by the court** pursuant to mediation/arbitration.

Disposed By Non-Jury Trial (Bench Or Judge Trial)

For SRS reporting purposes, consider the beginning of a non-jury trial to be when the first evidence is introduced or an opening statement is made.

- U Report in the appropriate case type, the number of cases disposed as a result of a contested trial in which there is no jury and a judge determines both the issues of fact and law in a case.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- Y **DO NOT** report cases disposed which result in a mistrial. **Report these cases in the appropriate disposition category when the case has a final disposition.**
- Y **DO NOT** report cases disposed as the result of the granting of a motion for a summary judgment (See Disposed By Judge dispositions, page 3-6).

DISPOSITIONS

- Y **DO NOT** report dispositions of simplified dissolutions in the **Disposed by Non-Jury Trial** category.

Disposed By Jury Trial

Paternity cases (**Other Domestic Relations** case type) are the only type of domestic relations cases that may result in a jury trial. For SRS reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are **sworn**.

- U Report in the appropriate case type, the number of cases disposed when a judgment or decision is reached after a jury trial begins.
- U Report cases disposed that settle after the jurors and alternates are sworn, **even if the jury did not reach a verdict**.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- Y **DO NOT** report cases disposed which result in a mistrial. **Report these cases in the appropriate disposition category when the case has a final disposition.**
- Y **DO NOT** report cases disposed as a result of a summary jury trial. **Report these cases in the appropriate disposition category when the case has a final disposition.**

Disposed By Other

- U Report in the appropriate case type, the number of cases that do not meet the requirements of the previously described disposition categories.
- U Report cases disposed which are consolidated into a primary case. A primary case remains open until the final judicial decision is entered.
- U Report cases that are transferred to another court or have a change of venue.

NOTES

DISPOSITIONS

Number of Reopened Cases

Please refer to section “C” of the SRS form which reports information associated with the number of reopened cases during the specified reporting period. For motions and petitions filed with the court, report these cases reopened as of the clerk’s document **stamp date**.

Modifications

- U Report in the appropriate case type, the number of cases previously reported as disposed which are reactivated or resubmitted to the court for action to modify a previous judgment or decision.
- U Report **rehearings** and all motions and petitions filed in cases previously reported as disposed where **judicial action may be involved**.
- U Report modifications of previous judgments or decisions. Examples include but are not limited to:
 - C Modifications relating to a change in the amount of child support;
 - C Modifications relating to a change in residential status of a child; or
 - C Modifications relating to the conditions or length of visitation days of a non-resident parent.
- U Report separate motions/petitions filed subsequent to the close of the case on the same day as **one** reopening. However, if separate motions/petitions are filed subsequent to the close of the case on different days, report each occurrence.
- U Report Uniform Interstate Family Support Act (UIFSA) petitions and foreign judgments in which the initial support issue or other complaint matter has already been determined, and modification arises. Report such activity under Reopened “Modifications,” under the “UIFSA” or appropriate SRS case type which initiated the foreign judgement petition, respectively (See Number of Filings, page 3-2).

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- Y **DO NOT** report the dispositions of modifications.

REOPENED CASES

Y **DO NOT** report the execution of judgments.

Other

- U Report in the appropriate case type, the number of cases previously reported as disposed which are reactivated or resubmitted to the court for action other than modification requests.
- U Report rehearings and all motions and petitions filed in cases previously reported as disposed where **judicial action may be involved**.
- U Report the enforcement of previous judgments or decisions. Examples include but are not limited to:
 - C Motion to enforce judgment;
 - C Motion and order to show cause;
 - C Motion to enforce visitation; or
 - C Motion for contempt.
- U Report stipulations/conditional judgments that are not successfully completed and are reactivated requiring judicial action.
- U Report contempt proceedings brought against the defendant or plaintiff held subsequent to the close of the case.
- U Report cases that resulted in a default judgment that are later reactivated.
- U Report cases dismissed without prejudice which are later reactivated.
- U Report separate motions/petitions filed subsequent to the close of the case on the same day as **one** reopening. However, if separate motions/petitions are filed subsequent to the close of the case **on different days**, report each occurrence.
- U Report Uniform Interstate Family Support Act (UIFSA) petitions and foreign judgments in which the initial support issue or other complaint matter has already been determined, and enforcement or a contested action arises. Report such activity under Reopened "Other" cases, under the "UIFSA" and appropriate SRS case type that initiated the foreign judgement petition, respectively (See Number of Filings, page 3-2).

REOPENED CASES

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

Y **DO NOT** report the dispositions of reopened cases.

Y **DO NOT** report the execution of judgments.

Case Type Determinations

The following list includes the types of proceedings that are included for each SRS case type. To select the correct SRS case type you should follow these procedures:

1. Review each petition or complaint and determine the primary issue involved;
2. Select the appropriate SRS case type for the issue indicated within the petition or complaint; and
3. Report the petition or complaint under the correct SRS case type on the Domestic Relations SRS form.

Simplified Dissolution

- ? Petitions for the termination of marriage filed pursuant to rule 12.105, Florida Family Law Rules of Procedure.

Dissolution

- ? Petitions for the dissolution of marriage other than simplified dissolution and annulment.

Support

- ? All matters relating to child or spousal support pursuant to section 409.2564, Florida Statutes.

DO NOT include initial support matters that are included in petitions relating to **dissolution of marriage, paternity, UIFSA, or Foreign Judgments.**

Uniform Interstate Family Support Act (UIFSA)

CASE TYPE DETERMINATIONS

- ? All matters pursuant to chapter 88, Florida Statutes, that are filed with the clerk's office to determine initial child support and/or paternity obligations, or are brought back to court for enforcement, modification, or a contested matter involving same.

Other Domestic Relations

- ? All matters involving the following:
- C Adoption;
 - C Paternity;
 - C Change of name;
 - C Change of custody;
 - C Separate maintenance;
 - C Annulment;
 - C Delayed birth certificates pursuant to section 382.0195, Florida Statutes;
 - C Expedited affirmation of parental status pursuant to section 742.16, Florida Statutes;
 - C Termination of parental rights proceedings pursuant to section 63.087, Florida Statutes; and
 - C Other matters not included in the previously described case type categories.

Domestic Violence

- ? All matters relating to petitions for injunctions for protection against domestic violence pursuant to section 741.30, Florida Statutes.

Repeat Violence

- ? All matters relating to petitions for injunctions for protection against repeat violence pursuant to section 784.046, Florida Statutes.

If you are unable to determine the correct SRS case type, contact Court Services staff at (850) 922-5094 or Suncom 292-5094.

CASE TYPE DETERMINATIONS

NOTES

Domestic Relations Frequently Asked Questions

1. (Q) Under what circumstances should a petition be reported under the “Simplified Dissolution” case type for SRS?

(A) A case should only be reported under the “Simplified Dissolution” case type if the petitioner files form 12.901(a), Petition for Simplified Dissolution of Marriage. As such, if a case meets the criteria for the parties to file a Petition for Simplified Dissolution of Marriage, as specified under rule 12.105, Florida Family Law Rules of Procedure, but the petitioner instead files a Petition for Dissolution, the case should be reported under the “Dissolution” case type.

2. (Q) How should an Emergency Verified Motion for Child Pick-up Order, Family Law Form 12.945(a), filed subsequent to the disposition of a case, be reported?

(A) Since motions of this type are related to an original custody issue, they are to be reported under the “Other” reopened cases category, in the original SRS case type that initiated the case.

3. (Q) If parties fail to reach a settlement after a pretrial conference and they subsequently appear before the judge, should the disposition be reported as “Disposed by Non-jury Trial?”

(A) These cases should be reported in the “Disposed by Judge” category, not the “Disposed by Non-Jury Trial,” disposition category. If evidence is introduced and/or an opening statement is made, the disposition should be reported under the “Disposed by Non-Jury Trial” disposition category. Typically a non-jury trial is scheduled by a “Notice of Non-Jury Trial” to all parties.

4. (Q) When should a case be reported as “Disposed by Default?”

(A) When a default is entered by the clerk and a judgment is subsequently entered for the plaintiff, based upon the default, the appropriate manner of disposition for SRS purposes is “Disposed by Default.” Often, the final judgment will not specifically reference the default in its title, (e.g., “Default Final Judgment”). As a result, these dispositions are often incorrectly reported as “Disposed by Judge.” As such, it is sometimes necessary to read the judgment or check the docket entries to determine the correct disposition category for SRS.

FREQUENTLY ASKED QUESTIONS

5. (Q) How should the disposition be reported in cases in which a Special Master conducts a hearing and enters a recommendation for the court's consideration?

(A) If the Special Master enters a report/recommendation and all issues have been resolved to the satisfaction of the parties, and the court enters an order approving the recommendation, the case should be reported closed for SRS under the "Disposed by Judge" disposition category. However, if the parties reach an impasse, the manner of disposition could change depending on the subsequent proceedings. For example, the case could go on to become a non-jury trial. Alternately, the parties could reach a settlement and file a voluntary dismissal which would qualify the case to be reported as closed under the "Dismissed After Hearing" disposition category. Essentially, a number of events could happen to render the SRS disposition category and almost any disposition category may be reported depending on the proceedings that transpire.

6. (Q) Should the clerk dispose of a case based on a court order that conflicts with the provisions of the SRS Manual? Additionally, should the disposition be reported as "Disposed by Judge?"

(A) Any court orders or directions which effectively dispose of a case at the local level but are in direct conflict with the provisions of the SRS manual should be addressed to the OSCA. Administrative orders entered at the local level may require internal documentation but should not supercede SRS instructions. Secondly, the "Disposed by Judge" category should not be used as a catch all category. Rather, case activity should always be evaluated in its entirety so as to capture the greatest amount of judicial time.

7. (Q) How should you report the date of disposition when the final order is filed with the clerk over a month after the actual disposition date, with a nunc pro tunc instruction accompanying the judge's signature?

(A) The date of disposition for SRS should always be reported as of the document stamp date. For example, in a scenario where the clerk's office receives the disposition paperwork and clocks it in on 3/12/01, with the judge having signed the order on 3/12/01 and nunc pro tunc the date of the order to 1/10/01, the document was not officially received in the clerk's office until 3/12/01. Thus, it should not be reported as disposed for SRS until such time.

FREQUENTLY ASKED QUESTIONS

Quick Tip Black's Law Dictionary defines *nunc pro tunc* as, "A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, *i.e.*, with the same effect as if regularly done. Nunc pro tunc entry is an entry made now of something actually previously done to have effect of former date;". For instance, a nunc pro tunc order may reflect an effective date which is earlier than the signature date.

8. (Q) If a case is transferred to the Domestic Relations division solely for the tracking of support payments, should it be reported as a new filing for SRS?
- (A) If a case is transferred to the Domestic Relations division for payment tracking purposes only, the case should not be reported as a new filing/disposition for SRS. The case should receive an administrative case number or some other method should be utilized for tracking the support payments without reporting them for SRS. In the future, if there is an enforcement, modification, or contested action which arises, the case should be reported for SRS as a reopened case under the original SRS case type that initiated the case. This includes, but is not limited to, UIFSA's and Foreign Support order registrations.*
9. (Q) How should the SRS case type be selected for rehearings, motions, and petitions that occur subsequent to a disposition, where judicial action will be involved?
- (A) When a reopened matter is filed that meets the criteria to be reported for SRS, it should be reported as reopened under the original SRS case type that initiated the case. For example, if a child support issue which originally stemmed from a dissolution of marriage case is filed, the action should be reported in the reopened section of the SRS form as "Modification" or "Other," under the "Dissolution" case type.*
10. (Q) How should a petition for expedited affirmation of parental status (filed pursuant to section 742.16, Florida Statutes) be reported as filed and disposed for SRS?
- (A) These petitions should be reported filed in the Domestic Relations division under the "Other Domestic Relations (ODR)" case type. They should be reported as disposed upon the order which either affirms or denies the parties' status as legal parents of the child. Any subsequently filed motions or petitions should be reported in the appropriate "Modification" or "Other" reopening category under the ODR case type.*
10. (Q) What SRS disposition category should contested and uncontested dissolution of marriage cases be reported under?

FREQUENTLY ASKED QUESTIONS

(A) Each case should be evaluated according to the guidelines identified on pages 3-3 through 3-7, and reported under the appropriate SRS disposition category associated with said guideline. Disposition reporting for contested and uncontested dissolution of marriage cases is not limited to the “Disposed by Judge” and “Disposed by Non Jury Trial” disposition categories as previous SRS reporting instructions may have implied.

12. (Q) What constitutes a hearing with a judge?

(A) In the absence of the clerk of court at the hearing, a notice of hearing and subsequent order rendered by the court on said date are indicators that a hearing may have occurred. Oftentimes the order will state the date of the hearing in which one or more parties appeared before the court to address the issue at hand.

13. (Q) How should multiple petitions filed per case be reported for SRS if a case management system only allows for one filing/disposition data field entry per case?

(A) If case filing/disposition activity is recorded in a single data field that is date driven, subsequent entries of said case data would necessitate a manual overwrite of any prior entered data for that record. Consequently, when the monthly SRS reports are generated to sum the filing/disposition case activity reporting totals, only the latest entry would get extracted and counted for SRS reporting purposes. Systems which preclude the capture and reporting of more than one filing/disposition per case should be evaluated to determine if program parameters can be expanded to allow for the capture and reporting of same. If this cannot be accomplished through automation (or is not feasible), an alternative reporting mechanism should be used to ensure that multiple filings/dispositions per case, (e.g., a Petition for Dissolution of Marriage filed under the same case number as a Petition for Injunction for Protection Against Domestic Violence) are reported to the OSCA. In addition, case specific information should be documented on monthly audit trails to ensure reconciliation between case file information, audit trail data, and summary reporting totals.

NOTES