

IN THE CIRCUIT COURT OF THE 15 TH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.:
Division: FAMILY DIVISION "FD"

IN RE: THE MATTER OF:

,
Petitioner,
and
,
Respondent.

**ORDER OF REFERRAL TO GENERAL MAGISTRATE AND ORDER OF REFERRAL TO
CHILD SUPPORT ENFORCEMENT HEARING OFFICER (NON-TITLE IV-D PROCEEDINGS)**

THIS CAUSE came before the Court, in Chambers, on _____, which includes both

(A) portions seeking the establishment, enforcement, or modification of child support or the enforcement of any support order for the custodial parent in conjunction with an ongoing child support or child support arrearage order, within the meaning of Rule 12.491(b), Fla. Fam. L. R. P.; and

(B) the other issues not included in (A).

Based on a review of the Court file, it is

ORDERED AND ADJUDGED that

I. The issues in (A), above, are referred to the Child Support Enforcement Hearing Officer-General Magistrate ("General Magistrate") _____, for further proceedings, under Rule 12.491 of the Florida Family Law Rules of Procedure and current administrative orders of the Court. The General Magistrate is authorized to administer oaths and conduct hearings, which may include taking of evidence, and shall make a recommended order that contains findings of fact.

ANY PARTY AFFECTED BY THE PORTION OF THIS ORDER REFERRING ISSUES (A) MAY MOVE TO VACATE THE ORDER BY FILING A MOTION TO VACATE WITHIN 10 DAYS FROM THE DATE OF ENTRY. ANY PARTY MAY FILE A CROSS-MOTION TO VACATE WITHIN 5 DAYS OF SERVICE OF A MOTION TO VACATE, PROVIDED, HOWEVER, THAT THE FILING OF A CROSS-MOTION TO VACATE SHALL NOT DELAY THE HEARING ON THE MOTION TO VACATE UNLESS GOOD CAUSE IS SHOWN.

II. The issues in (B) are referred to General Magistrate _____, for further proceedings, under Rule 12.490 of the Florida Family Law Rules of Procedure and current administrative orders of the Court. Financial Affidavits, Florida Family Law Rules of Procedure Form 12.902(b) or (c), shall be filed in accordance with Florida Family Law Rule of Procedure 12.285. The General Magistrate is authorized to administer oaths and conduct hearings, which may include taking of evidence, and shall file a report and recommendations that contain findings of fact, conclusions of law, and the name of the court reporter, if any.

A REFERRAL TO A GENERAL MAGISTRATE OF ISSUES (B) REQUIRES THE

CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THESE ISSUES HEARD BY A JUDGE. IF YOU DO NOT WANT TO HAVE THESE ISSUES HEARD BY THE GENERAL MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST 20 DAYS AFTER SERVICE OF PROCESS, THE TIME TO FILE AN OBJECTION IS EXTENDED TO THE TIME WITHIN WHICH A RESPONSIVE PLEADING IS DUE. FAILURE TO FILE A WRITTEN OBJECTION WITHIN THE APPLICABLE TIME PERIOD IS DEEMED TO BE A CONSENT TO THE REFERRAL.

If either party files a timely objection, the issues in (B) shall be returned to the undersigned judge with a notice stating the amount of time needed for hearing.

REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE GENERAL MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 12.490(f), FLORIDA FAMILY LAW RULES OF PROCEDURE. A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT EXCEPTIONS.

SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 12.490(f), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS, OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT=S REVIEW.

III. YOU ARE ADVISED THAT IN THIS CIRCUIT:

- a. electronic recording is provided by the court. A party may provide a court reporter at that party=s expense.
- b. a court reporter is provided by the court.

The General Magistrate shall assign a time for the proceedings as soon as reasonably possible after this referral is made and shall give notice to each of the parties either directly or by directing counsel or a party to file and serve a notice of hearing.

DONE AND ORDERED on _____ day of _____, 2008.

ELIZABETH T. MAASS
Circuit Court Judge

Copies furnished: