

General Magistrate

The General Magistrate does not serve as an attorney for either of the parties. He **cannot** and **will not** give legal advice. He is a neutral party there to make the best recommendations possible based on the facts presented.

You must submit an Order of Referral [Florida Supreme Court Form 12.920(b)] to be signed by the assigned Judge before the matter can be heard by a General Magistrate. You may obtain this Order of Referral from the Clerk of Circuit Court or the General Magistrate's office. This Order, **2** copies of the completed order and 2 stamped addressed envelopes (one addressed to each party), are to be sent/given to the Clerk with a request to forward all to the assigned Judge for signature. The Judge's office will send both parties a conformed copy of the Order of Referral once it has been signed. The other party has ten (10) days from the date the Order was signed to object to the matter being heard by the General Magistrate. **NOTE: You DO NOT need the Motion for Referral to General Magistrate. Please discard this form.** Matters heard:

1. Enforcement of prior orders;
2. Modifications of prior orders/final judgments;
3. Contempt of prior orders/final judgments but **not domestic violence matters**;
4. Temporary relief in dissolution and post-dissolution actions;
5. Simplified dissolution of marriage or Uncontested (default or marital settlement agreement with a financial affidavit);
6. Separate maintenance actions;
7. Uncontested paternity actions.

TO SET A HEARING BEFORE THE GENERAL MAGISTRATE:

Contact the General Magistrate offices as follows:

All petitioners who reside on or North of SR 520 (Cocoa, North Cocoa Beach, Cape Canaveral, Port St. John, Titusville and Mims) may contact the Titusville Magistrate office at 321-264-6990.

All petitioners who reside South of SR 520 (Rockledge, Viera, South Beaches, Palm Bay, Malabar and Barefoot Bay) may contact the Viera Magistrate office at 321-637-5336.

For Uncontested Divorces or Defaulted Divorces and Motion cases you may contact the Viera Magistrate office at 321-637-5536

Advise them of what you need and you will receive a date, time and location for your hearing. Next, fill out and file a Notice of Hearing, [Florida Supreme Court Form 12.920(c) **OR** 12.921], with the Clerk of the Court, along with a current Financial Affidavit, [Florida Supreme Court Form 12.902(b) **OR** 12.902(c)], Certificate of Mandatory Disclosure, [Florida Supreme Court Form 12.932], and income documents if you have not filed this already or if the original financial affidavit was incorrect or something changed. **(Financial affidavit and mandatory disclosure are NOT needed for contempt hearings.)** Also, you **must** send a copy of the notice and any attachments to the other party. Always keep a copy for yourself. Notice of Hearing forms may be obtained from the Clerk of Courts or through the Clerk's Website at www.brevardclerk.us.

For temporary hearings involving money matters, complete and file a Notice of Hearing, [Florida Supreme Court Form 12.902(c)], with the Clerk of the Circuit Court, (if the hearing concerns any money matters, **other than contempt**, you must also attach a current financial affidavit, form 12.902(b) **OR** 12.902(c) and income documents if you have not already done so). The notice should state the date, time and place of the hearing. The following language must be legibly written on the bottom of a notice dealing with money issues: "Petitioner/Respondent hereby certifies that he/she has made a good faith effort to fully comply with the financial disclosure requirements set forth in Rule 12.285, Fla.Fam.L.R.P." A copy of the notice, etc., **must** be sent to the other party. Always keep a copy for yourself. **Without notice to the other party the General Magistrate cannot hear the matter.** They party receiving the Notice **must** file their financial affidavit no later than 5 p.m. two (2) business days before the temporary financial hearing, and must copy the other party.

For Divorce cases only: Seven (7) days before your hearing, mail or deliver the following to the General Magistrate's Office, 506 Palm Avenue, Titusville, Florida 32796: Stamped, addressed envelopes, one for each party; and a Final Judgment that is ready for a judge's signature, plus 2 xerox copies of the Final Judgment. (This judgment, if recommended by the General Magistrate at your hearing, will be forwarded to the Judge. The Judge will review the order and, if approved, sign it. The copies will then be conformed by the Judicial Assistant and mailed to the parties).

At your divorce hearing you will need:

1. Vital Statistics Form (HRS 513);
2. Final Disposition Form (Law 161);
3. A witness who has personally known you for more than **6 months** and will swear you have been a Florida resident for at least **6 months before** you filed your papers, but do not use the other party as your witness. (A witness is the preferred procedure by the General Magistrate. This witness does not need to be subpoenaed) – or you can use a notarized affidavit from someone (**NOT** the other party) stating you have been a Florida resident for at least **6 months before** you filed your papers [12.902(l)].
4. The Court file **must** contain a certified of completion of the "Helping Children Cope With Divorce" seminar if minor children are involved.

At contempt/modification/enforcement/temporary relief hearing you must have:

1. Stamped, addressed envelopes for all parties.
2. A current financial affidavit [Florida Supreme Court Form 12.902(b) **OR** 12.902(c)] if this hearing involves money matters **other than contempt** or if the current financial affidavit that was filed before is incorrect or not current, and the Certificate of Mandatory Disclosure [Florida Supreme Court Form 12.932].
3. All witnesses who are not willing to voluntarily appear must be subpoenaed [Law 1020 & Law 277], and **given adequate notice** of the date and time of the hearing. **If** you have witnesses to incidents or conversations, it is **essential** that you have them **present** at your hearing. You cannot testify as to what they would have said or witnessed.

The General Magistrate will instruct you as to the order at the conclusion of the hearing.

At hearing for modification:

The General Magistrate will instruct you as to the order at the conclusion of the hearing.

ALL FORMS CAN BE OBTAINED FROM THE CLERK OF COURTS WEBSITE AT www.brevardclerk.us (go to "internet" then to "family pro se forms" or at one of the following locations:

NORTH BREVARD SERVICE COMPLEX
400 South Street, 2nd Floor
Titusville, Florida

MELBOURNE COURTHOUSE
51 S. Nieman Avenue
Melbourne, Florida

MOORE JUSTICE CENTER
Viera Complex
2825 Judge Fran Jamieson Way
Viera, Florida

MERRITT ISLAND OFFICE
2575 North Courtenay Parkway
Room 129
Merritt Island, FL

PALM BAY OFFICE
450 Cogan Drive S. E.
Palm Bay, FL

NOTE: **Both parties** have an obligation to notify the Clerk of the Court, in writing, of a change in their address at:

Clerk of the Court - Family Division
P. O. Box 219
Titusville, FL 32781-0219

ABOVE ALL ELSE, BE COURTEOUS, ADDRESS YOUR COMMENTS TO THE GENERAL MASTER AND DO NOT ARGUE WITH THE OTHER PARTY!