

Eighth Judicial Circuit Family Law Advisory Group (FLAG)
Minutes of August 27, 2007

The FLAG met on Monday, August 27, 2007 at the Alachua County Family and Civil Justice Center. Present were: Ruth Angaran, Glenna Auxier, Harvey Baxter, Russell Clifton, Dennis Comfort, Jill Conti, Ted Curtis, Robin Davis, Eric Diamond, Randi Dincher, Pete Enwall, Doris Hargrave, Mary L. Horn, Arlene Huszar, Sherry Kitchens, Gary Moody, Myrna Neims, Judge James P. Nilon, Charlie Pino, Judge Frederick D. Smith, Cynthia Swanson, and Candace Valenstein.

The program for this meeting was a discussion of the theme - "Divorce is a Process, Not an Event." The chair, Dr. Myrna Neims, began by having the mental health professionals and the attorneys present describe the roles they fill in the divorce process.

There was a discussion about the timing of mediation. It was noted that it can occur even before a case is filed. Judge Smith expressed his preference that mediation be held as soon as possible. Cynthia Swanson pointed out that people may not be ready for mediation at the beginning. Fla. R. Jud. Admin. 2.250, which provides time standards for judges, was discussed. It provides that uncontested dissolutions should be concluded (from filing to final disposition) within 90 days and contested dissolutions concluded within 180 days. Judge Smith observed that differential case management in which the simplest cases would be fast-tracked and the most complex put on a slower track, is not part of the culture of our legal community now but he would like to see us get to that. It was commented that case management was instituted because it took so long for cases to get through the system but now people are being pushed through whether they are ready or not. Gary Moody stated that a reasonable time between the filing of a counterpetition and the first case management conference would be 40 days. Mandatory disclosure should be done by then.

The mediators noted that some attorneys, including Gary, will not settle at the mediation conference. They will have their clients go through the mediation process but then they go back to their offices to draft the agreements. Randi Dincher supported getting closure at the mediation conference as did the mediators. Gary said he wanted to make sure he had all the details so that he would feel comfortable telling his client that the agreement is complete.

There was a brief discussion of standard parenting or visitation plans. The idea has some support so that clients would have an idea of what to expect but others object on the basis that it would create a presumption. Judge Smith stated that just having a holiday schedule would be helpful. Dennis Comfort suggested sending parents to a course such as the "Rebuilding" course offered by Trinity United Methodist to help parents going through a divorce.

The parenting classes that are required by statute are no longer controlled by the court. They must now be approved by the Department of Children and Families.