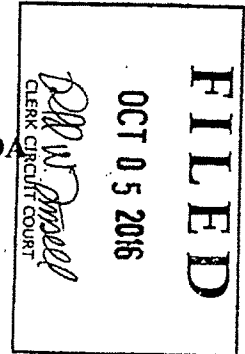


IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA

FOURTH AMENDED ADMINISTRATIVE ORDER NO. 95-16



IN RE: **FAMILY LAW
FOURTH JUDICIAL CIRCUIT TIMESHARING GUIDELINES
(LOCAL AND LONG DISTANCE)**

WHEREAS, the judges of the Family Law Division of this Circuit, in consultation with members of the Family Law Bar, have deemed it advisable to create timesharing guidelines for use in cases where the parents of a child or children do not reside together; and

WHEREAS, the judges of the Family Law Division and members of the Family Law Bar of this Circuit, after substantial study and consultation, have recommended the adoption of the attached documents, but emphasize that these guidelines are not mandatory, nor binding on any party. The guidelines are adopted for the purpose of assisting the parties in their litigation; and

WHEREAS, the Chief Judge of the Fourth Judicial Circuit of the State of Florida has reviewed the attached timeshare guidelines, and determined that they should be implemented as to matters before the Family Law Division, and pursuant to Rule 2.215, Florida Rules Judicial Administration.

IT IS THEREUPON,

ORDERED AND ADJUDGED:

1. The contents of the attached documents entitled

**“FOURTH JUDICIAL CIRCUIT
LOCAL TIMESHARING GUIDELINES”
and
“FOURTH JUDICIAL CIRCUIT COURT
LONG DISTANCE TIMESHARING GUIDELINES”**

are hereby adopted as guidelines for litigation in the Family Law Division of the Fourth Judicial Circuit.

2. This Fourth Amended Administrative Order No. 95-16 shall take effect immediately, and remain in effect thereafter until further Order of this Court. The Third Amended Administrative Order No. 95-16, entered chronologically out of sequence as a "Third Amended" on October 5, 2016, is hereby rescinded and superseded by this "Fourth Amended" Order.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 5 day of OCT., 2016.


MARK H. MAHON
Chief Judge

cc:

All Judges in the Fourth Judicial Circuit
Senior Judges in the Fourth Judicial Circuit
The Honorable Robert M. Foster, Administrative Judge, Nassau County
The Honorable John H. Skinner, Administrative Judge, Clay County
All Magistrates in the Fourth Judicial Circuit
The Honorable Matthew A. Shirk, Esq., Public Defender
The Honorable Angela B. Corey, Esq., State Attorney
The Honorable Ronnie Fussell, Clerk of the Circuit Court, Duval County
The Honorable Tara S. Green, Clerk of the Circuit Court, Clay County
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County
The Honorable Jason R. Gabriel, Esq., General Counsel
The Honorable Mike Williams, Sheriff, Jacksonville Sheriff's Office
The Honorable Rick Beseler, Sheriff, Clay County
Lt. Mark Cowan, Clay County Sheriff's Office Courthouse Security
Major Steve Weintraub, Duval County Courthouse Security
Sgt. Kenneth Davis, Supervisor of Courthouse Security, Nassau County Sheriff's Office
Margaret Jones, Office of the Clerk of Court, Clay County
Carla Colson, Office of Clerk of Court, Nassau County
Jim Kowalski, Esq., Executive Director JALA
Stephen Mosca, Esq., President, Florida Ass'n of Crim. Defense Lawyers (Local Chapter)
Charles Bishop, Family Court Manager, Fourth Circuit
James Gardner, Director, Alternative Dispute Resolutions (ADR)
Joseph G. Stelma, Jr., Fourth Judicial Circuit Administrator
Eve Janocko, Chief Deputy Trial Court Administrator
Caroline Emery, Esq., Court Counsel
Jacksonville Bar Association
Nassau County Bar Association
Clay County Bar Association
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit

FOURTH JUDICIAL CIRCUIT
LOCAL TIMESHARING GUIDELINES

NEITHER PARENT SHALL CONCEAL THE WHEREABOUTS OF ANY CHILD(REN) OF THE PARENTS, AND EACH PARENT SHALL KEEP THE OTHER ADVISED AT ALL TIMES OF THE RESIDENTIAL ADDRESS, EMAIL ADDRESS, AND PHONE NUMBERS WHERE THE CHILD(REN) WILL BE STAYING WHILE IN THE PHYSICAL CUSTODY OF EITHER PARENT. EACH PARENT SHALL NOTIFY THE OTHER IMMEDIATELY (NO LATER THAN 3 HOURS) OF ANY EMERGENCY PERTAINING TO ANY CHILD(REN) OF THE PARENTS.

REASONABLE TIMESHARING WITH ANY CHILD(REN) OF THE PARENTS SHALL TAKE PLACE AT SUCH TIME AND PLACE AS THE PARENTS MAY AGREE. IF THE PARENTS CANNOT REACH AN AGREEMENT AS TO DETAILS OF TIMESHARING, THE COURT MAY CONSIDER THESE GUIDELINES IN CRAFTING A TIMESHARING SCHEDULE AFTER TAKING INTO CONSIDERATION THE FACTORS ENUMERATED UNDER APPLICABLE FLORIDA LAW.

Promoting Mutual Respect: These guidelines are predicated upon the premise that the parents will each afford the other the utmost of mutual respect. Each parent shall seek to promote and encourage the love and esteem of the child for the other parent. Neither parent shall intentionally do anything to estrange or alienate the child from the other parent. Neither parent shall make any derogatory remarks about the other parent or the other parent's family in the presence of the child, nor shall either parent allow others to do so. Each parent shall be pleasant and polite in communicating with the other parent.

The child(ren) have a right to spend substantial, quality time with both parents and it is the intent of these Guidelines that the child(ren) spend substantial time with both parents. Each of the parents shall exercise the utmost good faith and shall consent to all reasonable timesharing requests by the other parent. The majority timeshare parent is expected to provide reasonable access to the child(ren) at unscheduled times, if requested, and if to do so does not unreasonably disrupt prior planned activities of the child(ren) or the parent. Therefore, the non-majority timeshare parent is entitled to and shall have the following timesharing with the child(ren):

1. **WEEKDAYS:** One overnight per week from immediately after school/work until the following morning, at which time the child(ren) shall be timely returned to school/daycare or to the other parent by 9:00 a.m., if school is not in session. If the parents cannot agree, the overnight shall be Thursday.
2. **WEEKENDS:**
 - A. Every other weekend from Friday after school/work until the following Monday morning at which time the child(ren) shall be timely returned to school/daycare.
 - B. Should the non-majority timeshare parent's regular weekend fall on a

three-day weekend which is observed by the child(ren)'s school, and the weekend is a holiday or special occasion not otherwise expressly provided for below, the non-majority timeshare parent shall be entitled to a three-day weekend. In such event, the weekend shall be defined as after school/work the day school recesses for the weekend (Thursday or Friday) through return to school/daycare at the end of the weekend (Monday or Tuesday).

C. As to paragraph 2(A), the majority timeshare parent shall have the alternate weekends.

3. **HOLIDAYS:**

A. **Spring Break:** School spring break in even-numbered years from immediately after school/work the day school recesses for the break until the day school resumes when the child(ren) shall be timely returned to school/daycare.

B. **Easter:** Easter weekend in even-numbered years, from after school/work the day school recesses for the weekend until the return to school the day it resumes.

C. **Mother's Day Weekend/Father's Day Weekend:** The child(ren) shall be with the mother on Mother's Day weekend and with the father on Father's Day weekend, and with the other parent the following weekend.

D. **Independence Day:** Independence Day in odd-numbered years from 9:00 a.m. July 4th through 9:00 a.m. July 5th (except it shall be a three-day weekend if July 4th falls on a Friday or Monday).

E. **Thanksgiving Weekend:** Thanksgiving weekend in even-numbered years from immediately after school/work the day school recesses for the holiday until the return to school the day it resumes.

F. **Christmas/Winter Break:**

1. **Christmas Holiday.** For a parent that celebrates the Christmas holiday, the intent is for the parents to equally divide the number of days the child(ren) have off from school for the holiday, including weather days. The non-majority timeshare parent shall be entitled to the first part of the break in odd-numbered years and the majority parent shall have the first part of the break in even-numbered years. The parent with the first half of the holiday shall have the child(ren) from after school/work the day school recesses for the break until Christmas Day at 2:00 p.m. The parent with the second half of the holiday shall have the child(ren) from 2:00 p.m. on Christmas Day, for a total number of days equal to one-half of the Winter Break, returning the child(ren) at 6:00 p.m. on the last day of his/her part of the break, to the other parent who shall have the remainder of the holiday period until school resumes. The non-majority

timeshare parent shall have the second half of the break in even-numbered years and the majority parent shall have the second half of the break in odd-numbered years.

2. **Winter Break.** For all other parents, the intent is for the parents to equally divide the number of days the child(ren) have off from school for the Winter Break holiday, including weather days. The non-majority timeshare parent shall be entitled to the first part of the break in odd-numbered years and the majority parent shall have the first part of the break in even-numbered years. The parent with the first half of the holiday shall have the child(ren) from after school/work for a total number of days equal to one-half of the Winter Break, returning the children at 6:00 p.m. on the last day of his/her part of the break, to the other parent who shall have the remainder of the holiday period until school resumes.

G. **Birthdays:** Birthdays of the child(ren) in even-numbered years, from after school/work or 9:00 a.m. (if school is not in session) on the birthday until return to school the following morning or 9:00 a.m. (if school is not in session).

H. As to paragraph 3(A) through (E) and (G), the majority timeshare parent shall be entitled to the same time with the child(ren), but in alternate years.

I. Even though several of the above timesharing provisions are related to "school," the non-majority parent shall have the same visitation with children who are not in school.

J. Holidays and special occasions, as provided in paragraphs 3(A) through 3(G), shall have priority over regular weekday and weekend timesharing. In the event the holiday timesharing schedule has the effect of creating three (3) consecutive entire weekends (or in a 50/50 timesharing scenario, three consecutive entire weeks) with one parent, then the third such weekend (or week in a 50/50 timesharing scenario), shall revert to the other parent, after which the regular schedule shall resume. The result will be that each parent will have two weekends in a row (or in a 50/50 timesharing scenario, two weeks in a row) and then return to their alternating schedule.

4. SUMMER VACATION:

A. The parents shall equally divide the summer break by alternating their timeshare with the child(ren) weekly. Exchanges shall take place on Friday after school/work beginning on the first Friday following the end of school (or if school recesses on a Friday, it shall begin that day) with the non-majority parent having the first full week and the majority timeshare parent having the second full week and alternating weekly thereafter until the Friday before the start of school. (Parents utilizing a 50/50 timesharing schedule during the school year should

maintain that same rotation during the summer.)

- B. Notwithstanding the foregoing, during the summer each parent shall be entitled to reasonable extended out-of-town vacation time of up to two consecutive weeks, uninterrupted by sharing the child with the other parent. The parents shall each notify the other in writing when they elect to take their vacation times with the child(ren) no later than April 1st each year. In the event of a conflict, the Father's vacation time shall have priority in even-numbered years and the Mother's vacation time shall have priority in odd-numbered years.
 - C. The parent who is not exercising timesharing during a given week shall be entitled to have the child(ren) for dinner from after camp/daycare/work until 8:00 p.m. If the parents cannot agree on a day, it shall be Thursday evening.
 - D. Each parent shall be responsible for enrolling the child(ren) in and paying for summer camps or daycare during his/her summer timesharing.
5. **CONFLICTS:** Both parents shall endeavor to be punctual in transferring the child(ren). If circumstances prevent either from being punctual, the parents shall communicate and cooperate appropriately.
6. **CANCELLATIONS:** Each parent shall give the other parent at least 24 hours advance notice (or if an emergency occurs, as quickly as possible), if he/she will be unable to exercise weeknight, weekend, Father's Day, Mother's Day, or birthday visitation. As to holidays, there shall be one-week advance notice; as to Christmas and summer, one month advance cancellation notice. Notice as to Christmas and summer vacation shall be in writing.
7. **PARENT CHILD(REN) CONTACT:** The parents shall permit the child to have telephone, email, and/or other electronic communication, including audio/visual contact through features such as Skype or Facetime with the other parent, at any reasonable time. If the parents cannot agree on the days and times for such communication, then the child shall be permitted at a minimum to speak with the other parent on Mondays, Wednesdays, and Fridays at 7:30 p.m. EST. Neither parent shall monitor, intercept, interrupt or listen to communications between the child and the other parent absent a Court order authorizing them to do so. If a parent takes away phone privileges from a child as a form of punishment, the child shall still be permitted to have telephone or other such contact with the other parent as set forth herein.