



The RM&A Inc. Forum

October, 2010
Volume 2, Issue 7

*Florida's DRC Annual Conference for Mediators
and Arbitrators is back on schedule.*

Save the date!

Thursday-Saturday, August 25-27, 2011
Rosen Centre Hotel, Orlando, FL

FEATURED

Taking a glance at the Florida Family Statutes -- If you served in the armed forces you have probably heard the phrase “change 2010”. This time “change 2010” refers to the Florida Child Support Law with an effective change in 2010.

Since the beginning of the year Floridians have seen some changes to the statutes governing dissolution of marriages. Changes to alimony and child support have been passed by the Florida Legislature and approved by the Governor last year. The Florida alimony law changes are effective as of July, 2010. The Florida child support law has gone into effect on October 1st, 2010.

In this edition we will address the current changes in the Child Support Law. More details on the Florida Alimony changes in August/September RM&A Inc. Forum which can be found on our website.

Florida child support is based on a mathematical calculation. The main factor that goes into that calculation is the Gross Income of both parents. In the old system, child support ended when each child reached the age of 18 (or 19 if still in high school).

To modify the child support when the minor children reached 18, the old statute required the parents to file a petition, return to court and seek an order ending child support. If there were multiple children, the law required a parent to seek an order recalculating the amount of child support each and every time one of the children reached adulthood. The effect of the old support statute was creating a huge financial hardship for parents.

Beginning on October 1st, 2010 child support orders must be written differently. Any new child support order has to list the date the support will self-terminate. Normally, that date would be the 18th birthday of the child - or an alternate date based on extenuating circumstances. If there are multiple children, the order must contain a breakout of support amounts for each child and a schedule of dates showing when the support for

AT A GLANCE

FEATURED:
Taking a glance at
the Florida Family
Statutes

Mediator
Qualification Board -
- Resolved
grievances

Florida Circuit
Courts Historic
Overview

Across the Circuits -
- Jobs Opportunities

Video clip picks for
CME hours

FLORIDA CIRCUIT COURTS HISTORIC OVERVIEW

Until 1973 Florida has had more different kinds of trial courts than any other state except New York. A movement developed in the late 1960's to reform this confusing system. As a result, Florida now has a simple two-tiered trial court system. A temporary exception was the municipal court, which was not abolished until January 1st, 1977. Most of these courts in

each child terminates.

The recent changes also provide the Child Support Guidelines and Principles that will be followed by the Florida family courts:

1. Each parent has a legal obligation to support his or her minor or legally dependent child.
2. The guideline schedule is based upon the parents' combined net income that the child would be receiving if the parents were still living in the same household.
3. The goal of the guidelines is to encourage fair and efficient settlement of child support issues between parents, as well as minimize the need for litigation.

Under current law, the "gross up" method of calculating child support is required when the parent with less time has 40% of annual overnight (144 nights per year) time with the child. The new law requires this calculation when the parent with less time has at least 20% (73 nights) of the yearly overnights. Most changes will take effect in January 2011.

Here's an example (not adjusted for tax effects): Father earns \$3,000/month and Mother earns \$2,000. They have 2 kids. Mother pays \$100/week for after-care and Father pays \$150/month for health insurance for the kids. Under current law, Father owes Mother \$955/month. Under the gross up method he owes \$504/month total for two children (not each).

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Mediator Qualifications Board

Resolved grievances -- for Educational Purposes

** This complainant in a multi-session circuit case alleged the following:*

1) The mediator accepted a ride home from the other party's attorney at the conclusion of one of the sessions and looked at pictures presented by the other party in violation of rule 10.070 [impartiality]; 2) The mediator allowed the other party to be represented by different counsel at each session in violation of rule 10.090(c) [professional advice]; 3) The parties reached an agreement on May 2, 1992 (as acknowledged by opposing counsel) and it was not reduced to writing until October 1992, at which time the defendants attempted to renegotiate several points in the agreement in violation of rule 10.110(a)(1) [concluding mediation].

Final settlement was reached September 1993 in a manner less favorable to the complainant. The mediator did not dispute any of the facts alleged.

The complaint committee did not find probable cause with regards to rules 10.070 and 10.090, but did find probable cause that the mediator violated rule 10.110(a)(1), by failing to cause the terms of the agreement reached to be appropriately memorialized within a reasonable period of time.

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** This grievance was filed by a party to the mediation against a certified*

major population areas were abolished on January 1st, 1973.

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ACROSS THE CIRCUITS Job Opportunities:

4th Judicial Circuit

ASSISTANT GENERAL COUNSEL

- The City of Jacksonville General Counsel's Office, a 39-lawyer office representing the consolidated government of the City of Jacksonville/Duval County, is seeking a commercial and government transactions attorney. The successful candidate will possess good academic credentials, excellent organizational and written skills, ability to work independently and as part of a team, and excellent client relations skills. REQUIREMENTS : Juris Doctorate with at least three years public sector experience in negotiating/drafting construction contracts and public procurement. [READ MORE](#)

11th Judicial Circuit

COURT PROGRAM SPECIALIST I

(Foreclosure Master Calendar Case Manager)
Circuit Civil Division
This is specialized case management work screening foreclosure summary judgment and writ of possession

county mediator conducting a homeowners' mediation as part of a Department of Business and Professional Regulation's program.

The complainant alleged that the mediator violated rules 10.200, Scope and Purpose; 10.300, Mediator's Responsibility to the Parties; 10.310(b) and (d), Self-Determination; 10.380(b) (1) and (b) (2), Fees and Expenses; and 10.430, Scheduling Mediation, by refusing to cancel a mediation which the mediator scheduled when the complainant's attorney was not available and by not withdrawing from the mediation after the complainant's attorney requested that the mediator do so.

The complainant alleged that the mediation was conducted in the absence of the complainant and his attorney and an invoice was sent by the mediator.

The complaint committee reviewed the complaint and found it to be facially sufficient and requested that the mediator respond to the following possible rule violations: rules 10.300; 10.310(d); 10.330(a), Impartiality; 10.380(b) (1) and (b) (2); and 10.430.

The mediator responded that the date for the mediation had been set after the mediator received notification from the opposing parties in the underlying case that they had selected a date.

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EIGHT METHODS FOR OBTAINING CME CREDITS

Credits may be earned through 8 methods:

1. Attending a live lecture or seminar;
2. Listening to or viewing an audio or video presentation of a lecture or seminar with a group, and participating in a discussion on the materials presented;
3. Listening to or viewing audio or video presentations;
4. Serving as a mentor pursuant to rule 10.100, Florida Rules for Certified and Court-Appointed Mediators;
5. Participating to (interactive) internet presentations;
6. Lecturing or teaching CME courses;
7. Authoring or editing written materials submitted for publication, which have a significant intellectual or practical content directly related to the practice of mediation;
8. Successfully completing a self-directed program which is qualified for continuing education credits by a governmental licensing board.

At least 50% of the required hours must be satisfied by attendance at a live lecture or seminar. Co-mediating or supervising trainees as part of the mentorship program may be utilized for up to four hours of CME credit.

Editor's video picks for CME hours

The following are a few video clips we found interesting as a material for group discussions to count towards the CME hours required for the Supreme Court of Florida certified mediators:

submissions for compliance with administrative orders, legal requirements and necessary documentation. This position will also assist in scheduling and monitoring compliance with requirements for the Foreclosure Master Calendar Court and will assist in identifying trends and issues in the foreclosure court context. The position works under the general supervision of a foreclosure court team manager according to procedures.

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13th Judicial Circuit

COURT OPERATIONS

MANAGER - Juvenile Diversion Program

Supervise and coordinate the Juvenile Diversion Programs (Arbitration, Teen Court, Shock Education, Neighborhood Accountability Boards, School Civil Citation, etc.), the case management and administrative staff and numerous volunteers. Represent the Administrative Office of the Courts in matters concerning juvenile justice and involving juvenile justice agencies and providers.

ESSENTIAL DUTIES:

Monitor the overall operation of the Juvenile Diversion Programs which includes reviewing and placing referrals, overall case process issues, program design, developing and encouraging staff, troubleshooting when necessary, day to day operations, review of files, locating/assessing resources.

[READ MORE](#)

This short video is an online lecture about the different forms of resolving conflicts.

[Click here to view](#)

This video provides a short overview of the process of litigation.

[Click here to view](#)

The following video describes the difference between Collaborative Law, Arbitration and Mediation.

[Click here to view](#)

Do you have a message to share or an event coming up? Shout @ us and we will spread the word!

info@resolutemediation.com

"Before You File Suit, Call Resolute!"

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17th Judicial Circuit

COURT PROGRAM SPECIALIST I–

Domestic Relations 7152

Case-flow management is the process to monitor the time and events involved in the movement of a case through the court system from the point of initiation to disposition. The program specialist is responsible for following time standards set by Florida Statute for expeditious case dispositions. The program specialist will be assigned to a specific division(s) and will work with the Judge(s) in that division to help manage the cases. This will be accompanied by following mechanisms such as early screening, creation of event deadlines and continuous oversight and measurements of progress.

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