

**STEVEN M. FAHLGREN, CIRCUIT JUDGE
DIVISION A PROCEDURES**

Contact Info.:

Ashley Strickland, Judicial Assistant

Phone: 904-491-7275

Fax: 904-491-2051

Email: astrickland@coj.net

Website: <https://www.nassauclerk.com/judge-steven-m-fahlgren/>

Physical Location:

Nassau County Historic Courthouse

416 Centre Street

Fernandina Beach, FL 32034

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Updated September 23, 2021

GENERAL

Americans with Disabilities Act: If you are a person with a disability who needs any accommodation in order to participate in a proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at (904) 548-4600 (then press 0) at least 7 days before your scheduled court appearance, or immediately upon receiving notification of the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Appearing via Zoom: Pursuant to the local administrative order entered on June 15, 2021, effective June 21, 2021, the Nassau County Phase 2 Operational Plan has been rescinded. **In person court appearances are now permissible and facemasks are optional.** However, the parties may still appear via Zoom before Judge Fahlgren, so long as the parties agree and appropriate notice is given. **In fact, Zoom will be the default for scheduled hearings, unless the parties file notice with the Clerk of Court that at least one (1) party intends to appear in person at least three (3) business days before the hearing.** Said notice shall also be provided to the Court via email to at astrickland@coj.net, and to all other parties by email, if possible. To appear by Zoom for a hearing before Judge Fahlgren, please use the Judge Fahlgren’s reoccurring meeting invitation copied below. Please name your Zoom profile accordingly so you can be easily identified by Judge Fahlgren. Anyone not speaking during a hearing, should keep their microphone muted to avoid distracting background noise. **There is a separate invitation for domestic violence court.** Please refer to Judge Fahlgren’s domestic violence addendum. Any party or witness appearing by Zoom without the benefit of audio visual communications shall be in the presence of a Notary Public/Classification Officer for the purposes of being sworn in. Any party or witness appearing by Zoom with the benefit of audio visual communications should be prepared to display their driver’s license or other identification card via video to the Court.

For Zoom hearings involving exhibits, proposed orders, or copies of cases cited, the parties are directed to send these to the Court’s judicial assistant, astrickland@coj.net, via email at least three (3) business days in advance of the hearing with copies to all parties who have not been defaulted as it custom and required by the Rules. When the number of pages of the hearing materials exceeds 50 pages, hard copies should be provided to the Court at least three (3) business days in advance of the hearing.

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Judge Fahlgren's reoccurring Zoom meeting invitation:

<https://zoom.us/j/383599807?pwd=MmRDbzFvc0RQenFGQUxFR20vaHpTZz09>

Meeting ID: 383 599 807 Password: 900183

Dial by telephone: +1 253 215 8782 US

COURTESY COPIES: Copies of notices of hearing and the noticed motions should be emailed to the judicial assistant upon filing of the notice, but no less than three (3) business days in advance of the hearing. When the amount of pages exceeds 50, hard copies should also be provided to the Court well in advance of the hearing.

EMERGENCY MOTIONS: (1) Must be a genuine emergency; (2) must be filed with the Clerk of Court, [Rule 1.610 & 12.610(a)]; (3) If seeking ex parte (w/o notice of hearing) you must state an adequate reason why the other party should not be given notice; otherwise (4) due process requires proof of service on the other party; (5) verified/sworn by the movant & signed by counsel; (6) emergency motions should be emailed to the Judge's Judicial Assistant at astrickland@coj.net or delivered to the Judge's chamber's for review; (7) If emailed, the email should be marked urgent and "emergency" should be included in the subject line; (8) If hand delivered and the division JA is not in the office (that does not mean the judge is not available), you are required to fax the motion; (9) There shall be **no ex parte communicate concerning this request** and (10) after the Judge has reviewed the action, the Judicial Assistant will advise if the motion will be granted without a hearing or notice, denied, granted with a hearing on an emergency basis or for movant to schedule the matter on the next regular calendar date.

EXHIBITS: Exhibits should be bated stamped, exchanged in advance of hearings, and emailed to the Judicial Assistant at least three (3) business days in advance of the hearing date. They should be sent as one PDF file, or as few PDFs as possible, and include an index and should be easily identified. Files containing more than five (5) exhibits should include a cover sheet before each exhibit. It is anticipated that those exhibits will be printed for the Court's review. However, it may be necessary for the Court to review them electronically only. When time allows, hard copies should also be mailed to the Court in advance of the hearing. When the amount of color copies exceeds 15 pages, or when the total amount of pages exceeds 50 pages, hard copies must be provided to the Court well in advance of the hearing.

EX PARTE: Involves only uncontested matters, properly noticed motions to withdraw, Motions to Set for Trial, and requests to schedule hearings in excess of one (1) hour in all matters with the exception of residential foreclosure and probate cases. Please refer to Div. A Ex-Parte Dates published separately. All hearings, including ex-parte will be conducted via Zoom for the foreseeable future. A copy of the notice of hearing and

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any other relevant documents/proposed orders should be emailed to the Court's Judicial Assistant upon filing, or at least three (3) business days prior to the scheduled date. Motions to set should be accompanied by a completed trial set memo. There are separate forms for civil and family cases. **Your case is not added to the ex-parte calendar until you receive email confirmation from the Judicial Assistant.** Prior to the hearing for the entry of an uncontested Final Judgment of Dissolution of Marriage, the movant should complete a checklist for consent final judgment. A copy of the form can be found on the above-referenced website. Please note that uncontested divorces may be scheduled for a time certain if the parties so desire in order to afford some privacy.

MOTIONS FOR REHEARING, RECONSIDERTAION OR FOR NEW TRIAL: Must be emailed to the Judicial Assistant upon filing. Please do not call the Judge's office to schedule a hearing these types of motions. The Judge will review the motion and either issue an order, or the Judicial Assistant will contact the parties to schedule a hearing.

PROPOSED ORDERS:

1. When entitling proposed orders always designate the particular motion heard, such as "Order Denying Wife's Motion to Dismiss" or "Order Granting Husband's Motion for Contempt," et cetera. Consent Orders should contain the word "Consent" or "Agreed" at the beginning of the caption. Amended orders should include a footnote detailing the reason(s) for the amendment.

2. Proposed orders arising from a hearing should then be submitted to the Court no sooner that forty-eight hours after the proposed order has been provided to opposing counsel, absent all parties approving of the form of the order. Proposed orders submitted to the Court shall be accompanied by a standard communication **advising the date of the hearing that gave rise to the proposed order, and the opposing party's position with regard to the proposed order.** In the event the opposing party is not represented by counsel, same shall be stated in the accompanying communication.

3. It is preferred that proposed orders arising from matters heard by the Court be submitted by email to the Court's Judicial Assistant, and that the proposed Order be in Word format. **The subject of the email should contain the case number and last name of the parties, and describe the proposed order. The proposed order should be saved as follows:**

**Case Number (Short Case Style) Title of Proposed Order
17CA27 (Smith v. Jones) Proposed Order Granting Motion to Compel**

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In the event that any interested party cannot be served through the Florida Court's E-Filing Portal, it is preferred that the Order be submitted by mail with the appropriate number of copies and self-addressed stamped envelopes for all parties with an appropriate cover letter. If the Court has requested that the proposed order be sent via email, please also send blank stamped envelopes to reimburse the Court as the Court will mail conformed copies to third parties and pro se' litigants upon entry of the order.

6. When submitting orders by mail, sufficient number of distribution copies for all parties and stamped addressed envelopes must accompany the Order when submitted. It is requested that Income Withholding/Deduction Orders, Qualified Domestic Relation Orders, and any other order that requires the receipt of a copy by a third party be submitted by mail, or that blank stamped envelopes be furnished to the Court's Judicial Assistant to reimburse the Court.

7. **Whenever reasonably possible, competing orders should be created from the same Microsoft Word document as the opposing party's initial draft. The competing order shall highlight the requested revisions, and/or a comparison document shall be provided to the Court.**

8. The **DONE AND ORDERED** or **ORDERED AND ADJUDGED** (for Final Judgments) clause, along with the Court's signature line, should be on the same page. If the last page contains only the date line and/or Judge's signature line it must have the title of the Order and the case number on it also.

9. Full names and complete addresses of counsel/parties to whom copies are to be provided, including email addresses for the service of pleadings, should be included on the last page.

10. The signature line should be located on the right border of the page.

PROPOSED ORDERS GRANTING MOTIONS TO WITHDRAW: In addition to the standard language in a proposed Order Granting a Motion to Withdraw, counsel should include the following language, "All unrepresented parties shall be treated as reasonably competent counsel as required by Florida law, and are strongly encouraged to sign up for the e-portal at <https://www.myflcourtagency.com/default.aspx> so as not to be disadvantaged relating to prompt notice of documents filed and hearings set." Counsel may also include language reminding the counsel that has withdrawn to remove themselves from the e-portal's service list. Instructions to do so can be found here, <https://www.clerk.org/pdf/RemovalOfEmailAddress-NoLongerAttyOnCase.pdf>.

RECOMMENDATIONS: If you have a recommendation as to amending or revising our division procedures, you may email the Court's Judicial Assistant.

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SCHEDULING HEARINGS:

The party requesting the hearing may email the Judicial Assistant and provide the case number, case style, title of motions and the amount of time requested. The Judicial Assistant will reply to all with available hearing dates/times, but should not be copied as the parties discuss their availability. Once a collective preference is determined, the Judicial Assistant should be advised. PLEASE NOTE: Hearing dates/times provided are not held and may be given to others. Hearing dates/times are not secured until confirmation is sent from the Judge's office. It is best for the parties have a first and second choice of the dates provided. Hearings may also be set by contacting the Judicial Assistant by phone. Please be prepared to provide the case number, the name of the motion to be heard (must be filed prior to calling to set for hearing), and how much time is required for the hearing. **Once a hearing has been confirmed, please provide a courtesy copy of the notice of hearing and the motion(s) scheduled to the Judicial Assistant.** Piggy backing on hearings is not allowed after they are set but related hearings must usually be scheduled together. **When cancelling a hearing, please file a Notice of Cancellation with the Clerk and provide a courtesy copy to the Court via email to the Judicial Assistant.** If the hearing is imminent, please call 904-491-7275 and leave a brief message. **Your hearing should not be considered cancelled until you receive confirmation from the Judicial Assistant.**

SETTING A CASE FOR TRIAL: With the exception of residential foreclosure matters that are specifically addressed herein, Motions to Set for Trial and Motion to Set Hearings for greater than one (1) hour are heard during ex parte.

1. Family Law matters shall complete mediation (unless excused by the Court) prior to the scheduling of trial.
2. File a Motion to Set Case for Trial/Hearing.
3. Coordinate with opposing party or attorney to select an ex parte date which is convenient for all parties.
4. Serve the Notice of Hearing on all parties.
5. Complete the Trial Memorandum Form. The form is located on the above-referenced website, and is also available in the Judge's chambers. There are separate forms for civil and family cases.
6. The Court will prepare the trial order. Sample trial orders are published on the above-referenced website.
7. The Court e-files trial orders. Please provide self-addressed stamped envelopes for pro se' parties and any third parties that cannot be served through the e-portal. The Court does not provide envelopes and postage.

When a case **SETTLES** prior to the pre-trial or trial date, **PLEASE, IMMEDIATELY** contact the Judge's office via email to astrickland@coj.net so that the Court's trial calendar may be updated.

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When the parties agree that a trial should be continued, or the Court grants a motion for continuance, the parties may submit an agreed one-page proposed order granting the continuance with the new trial date or week and pre-trial conference date and time providing that all provisions of Court's previous trial order shall remain in full force and effect, or that the trial will be reset upon either party's Motion to Set. This should be emailed to astrickland@coj.net with a similar email to the other party.

TECHNOLOGY IN THE COURTROOM: The primary evidence presentation equipment available in the courtrooms of Nassau County consist of an Elmo projector and a personal computer with USB drives and disc drives. The personal computers are compatible with laptop computers that have HDMI outputs. Said equipment feeds into a sound system and screens throughout the courtroom. If you would like to schedule a time to test the system, or if you have any additional questions, please send an email to Michelle Watson at mmwatson@nassauclerk.com and copy the Court's Judicial Assistant.

UNAVAILABILITY: Substitute Judicial Assistants are not available to cover this division during illness or vacation. When the Judicial Assistant for Division A is not present, leave a telephone message, and you will be contacted as soon as possible following the Judicial Assistant's return to the office. If you have an emergency matter please send an email to the Court's Judicial Assistant at astrickland@coj.net in addition to leaving a voicemail. The Judicial Assistant's auto-reply should provide instructions regarding her absence.

VOICEMAIL: Please include the case number, your name, phone number, and a message concerning your call. The Judicial Assistant receives voicemails as emails and returns messages as soon as possible.

CIVIL

JURY INSTRUCTIONS: Please refer to the Court's Jury Trial Guidelines for Division-A published on the above-referenced website.

REPLEVIN OTSC: Hearings scheduled regarding Orders to Show Cause in replevin actions shall be scheduled for a minimum of fifteen (15) minutes.

REQUIREMENTS FOR DEFAULT JUDGMENTS: A brief (15 minute) evidentiary hearing needs to be noticed to the parties for any unliquidated amounts including attorney's fees. Any attorney's fee claim must be supported by an Affidavit of Time Spent and an Affidavit of Reasonableness.

Any claims for monies due not specifically detailed in the Complaint will need to be supported by an Affidavit of Indebtedness.

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Finally, an Affidavit of Military Service is required in every case where the Respondent has not filed an answer or appearance. The purpose is to protect the men and women serving in the U.S. military from having a court judgment entered against them without first receiving notice of the lawsuit and a chance to defend the case. You should use this form when ALL of the following statements are true:

- The defendant in your case has been served, whether by personal service or constructive service.
- The defendant in your case has not responded to your complaint or petition.
- You are requesting that the court enter a default judgment against the defendant.

FAMILY LAW

PUTTING CHILDREN FIRST IN DIVORCE COURSE: Administrative orders issued in the Fourth Judicial Circuit (Duval, Clay, and Nassau Counties) by the Chief Judge and the Standing Family Law Court Order require that parents who are parties to a dissolution of marriage action or a paternity action shall promptly complete a four-hour parenting course, such as the Putting Children First in Divorce Course (formally Children First in Divorce) offered by Hope Haven (<http://www.hope-haven.org/divorce-counseling/>), or a similar qualified program. In Nassau County, two of the approved providers of the similar qualified program, the Parent Education and Family Stabilization course, are Clearview Concepts and McPherson Counseling Services, Inc. Clearview Concepts is located at 1411 S. 14th St., Fernandina Beach, Florida 32097, and may be contacted at 904-335-0333. McPherson Counseling Services, Inc., is located at 850310 US HWY 17, Yulee, Florida 32097, and may be contacted at 904-548-0160. Under some limited circumstances, the Court may approve an online parenting course such as the course offered at <https://www.onlineparentingprograms.com/>. Permission should be sought from the Court before taking an online course to fulfill the requirement to take a four-hour parenting course.

MEDIATION AND PRE-TRIAL CONFERENCES. Mediation should occur as soon as possible to minimize the expense and uncertainty of litigation. An exception to the general rule that a prompt mediation is useful involves matters in which a time sharing evaluator will likely be appointed. The Court prefers that mediation take place after a report is submitted by a time sharing evaluator. If a timesharing report is pending, the Court will not set the matter for trial. The Report on Mediation shall be prepared in accordance with Rule 12.740(f), Fla. Fam. L. R. P., and filed with the court prior to the Pre-Trial Conference. The requirement to mediate this case cannot be waived by agreement of the parties. Generally, parties must attend mediation prior to the scheduling of a matter for trial. Unless otherwise agreed upon by the parties or ordered by the Court, the parties shall be equally responsible for payment of all costs of mediation. For mediations scheduled with the Family Mediation Unit, the fee shall be paid to the Clerk of Court in full prior to the mediation.

CONSENT JUDGMENTS THAT INCLUDE 50/50 TIME SHARING ARRANGMENTS: The Court typically ratifies the 50/50 time sharing arrangements agreed to between parties but is willing to reserve

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jurisdiction to revisit time sharing under the best interests of the children standard upon written request of either party. If the parties agree, the following language may be included in any proposed final judgment submitted to the Court with 50/50 time sharing: The Court ratifies the 50/50 time sharing arrangement agreed to between parties but reserves jurisdiction to revisit time sharing of the parties under the best interests of the children standard considering the factors set forth under Section 61.13(3) of the Florida Statutes, upon written request of either party.

QUALIFIED DOMESTIC RELATIONS ORDERS: The Court will conduct hearings on Qualified Domestic Relations Orders, but it will allow submission of Qualified Domestic Relations Orders that have been consented to by both parties and pre-approved by the relevant plan or documentation is filed with the Court that pre-approval is not an option. It is preferred that proof of preapproval be provided to the Court at the time of submission of consented to QDROs. Proposed consented to QDROs should be submitted to the Court by mail with copies and envelopes, along with a copy of the supporting order or judgment.

DEFAULT FINAL HEARINGS: Default Final Hearings should be coordinated with the Court's Judicial Assistant on the Court's regular calendar. Default Final Hearings will not be heard during ex parte. The party seeking the default judgment should bring proof of service or diligent search to the hearing. The Court will enter an Order Setting Trial and serve the order on all parties, even those parties in Default for matters involving unliquidated damages and/or child support and timesharing, as required by Rule 12.440, Florida Family Law Rules of Procedure.

SERVICE BY PUBLICATION: Cases wherein the Respondent has been served by publication should include a diligent search affidavit with proof of searches with the entities listed below, when possible.

- United States Postal Service
- Internet Search
- Department of Motor Vehicles
- Department of Corrections
- Letters to Armed Forces of the United States
- Nassau Tax Collector

ADOPTIONS: Petitioners in relative adoption cases are required to set forth in the petition any prior criminal arrests or domestic violence actions to which they have been a party. The Court does not hear adoption matters during ex-parte. Those matters may be coordinated with the Court's Judicial Assistant. It is not necessary that children attend final hearings, but they are certainly welcome. The Court will allow pictures to be taken if the parties so desire.

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OUR FAMILY WIZARD: Parties with minor children in common that are having a difficult time communicating successfully are encouraged to use the application Our Family Wizard and to submit a proposed order requiring the use of this application. A sample order can be found at the above-referenced website with Division A's other published materials.

INCOME WITHHOLDING ORDERS AND ORDERS REQUIRING SUPPORT TO BE PAID

THROUGH THE STATE OF FLORIDA DISBURSEMENT UNIT: Please be advised that the federal government, specifically sections 466(a)(1), (a)(8) and 466 (b)(6)(A)(ii) of the Social Security Act, requires that states use the federally approved Income Withholding Order (IWO) for the deduction of child support. Hereafter, in order to facilitate income garnishment of support under State law, instead of submitting the previously used form "Income Deduction Order," federal law mandates that parties now submit the OMB approved Income Withholding Order with the Florida Addendum Form 12.996(d) to the court for signature. The Florida Addendum must be used where allocated child support for multiple children has been awarded. Federal law prohibits the OMB approved IWO form from being revised to include additional information.

Florida Family Law Rule of Procedure 12.015 was amended to add this new form to the list of the forms contained therein. The Florida Supreme Court has also adopted Florida Family Law Rules of Procedure Form 12.996(d) (Florida Addendum to Income Withholding Order). This Florida Addendum form is necessary and must be filed with the OMB approved IWO form in order to provide provisions required for income deduction orders pursuant to Florida law. The form may be accessed and downloaded from the Florida State Court's website at www.flcourts.org/gen_public/family/forms_rules/index.shtml.

If the new order does not get utilized, the employer, as required by federal law, will reject and send the order back to the court/sender and will not take out the appropriate child support dollars from the employee's pay until they receive the proper order. This may delay child support payment and enforcement efforts.

Attorneys are cautioned to affix to the IWO the style affixed to all other pleadings in the case at issue, reflecting case number, division, and the parties' names.

To obtain further information and or instructions on how to fill out the Income Withholding Order or to review related resources please click here <http://www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-form>.

If an order requires support to be paid through the State of Florida Disbursement Unit, it is only necessary to provide a conformed copy of the order to the Domestic Relations Depository, which can be delivered via inter-office mail at the Courthouse (Room 1053). It is not necessary to provide a copy of the order to the State of

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Florida Disbursement Unit. The Domestic Relations Depository creates and maintains all accounts regarding support paid through the State of Florida Disbursement Unit. The State of Florida Disbursement Unit only receives and disburses money.

Pursuant to Florida Statute Section 61.181, the State of Florida Disbursement Unit imposes and collects a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments. **This fee is withheld by the State even if the IWO doesn't specify or include the fee in the amount to be deducted. Nonpayment of this fee will result in a delinquency in the support obligation.**

A sample IWO can be found here <https://www.nassauclerk.com/judge-stein-m-fahlgren/>.

Please refer below for an example of how to include the SDU's fee.

ORDER INFORMATION: This document is based on the support or withholding order from FLORIDA (State/Tribe).

You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$800.00	Per <u>month</u>	current child support
\$ _____	Per _____	past-due child support - Arrears greater than 12 weeks? <input type="checkbox"/> Yes <input type="checkbox"/> No
\$ _____	Per _____	current cash medical support
\$ _____	Per _____	past-due cash medical support
\$ _____	Per _____	current spousal support
\$ _____	Per _____	past-due spousal support
\$ <u>5.25</u>	Per <u>payment</u>	other (must specify) SDU fees 4% but not less than \$1.25 nor greater than \$5.25.

for a **Total Amount to Withhold** of \$ _____ per _____.

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the *Order Information*.

If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$189.86	per weekly pay period	\$ 405.25	per semimonthly pay period (twice a month)
\$374.48	per biweekly pay period (every two weeks)	\$ 805.25	per monthly pay period

\$ _____ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

INTERPRETERS: The Court will provide interpreters for matters wherein the requesting party is indigent or for matters wherein there are minor children subject to the action. Attorneys that represent parties who will need the Court to provide an interpreter should notify the Court's Judicial Assistant of the need for same at the time the hearing is scheduled.

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FORECLOSURE CASES

CASE MANAGEMENT CONFERENCES: At the time of the filing of every new action, the Clerk of Court generates a Case Manage Conference Order setting a case management conference for approximately sixty (60) days out. These case management conferences are generally held one Monday morning per month. Attorneys filing new actions are encouraged to check the court docket once the summons has been issued to obtain this first case management conference date.

SCHEDULING FORECLOSURE MATTERS: Motions and non-jury trials may be scheduled by emailing the Court's Judicial Assistant a completed Request for Hearing Time and Date Form. This form, along with a schedule of the upcoming hearing dates, can be found at the above-listed website. Please include in the form the preferred hearing date, or the next available date will be selected. The requesting party is responsible for noticing the scheduled hearing. When requesting that a matter be set for a non-jury trial, please include a copy of the motion to set/notice for trial. Once the matter is set for trial, the requesting party shall submit a proposed trial order by mail with appropriate copies and stamped envelopes for all parties using the court's form published at the above-referenced website.

PROBATE/GUARDIANSHIP

Effective, January 1, 2020, all probate matters will be covered by Senior Judge Robert M. Foster. A list of hearing dates for each division can be found here (<https://nassauclerk.com/wp-content/uploads/2020/04/Probate-Procedures-and-Hearing-Dates-revised-remote-appearances.pdf>). Each Judicial Assistant will continue to process the receipt of proposed and executed orders and scheduling matters for their respective division. Courtesy copies of supporting motions and petitions with proposed orders, as well as courtesy copies of any notices of hearing and supporting documents are appreciated. It is the Court's preference that proposed orders be submitted by email format. However, if all parties cannot be served through the e-portal, hard copies with self-addressed stamped envelopes should be submitted to the court with copies of the proposed order for those parties. Please ensure that you have coordinated and confirmed your hearing date before any notice of hearing is filed and served on the parties. Motions to withdraw should be set for a time certain.