

PACKET 7

Forms Associated with a

Motion to Enforce

For example, to enforce a Final Judgment of Divorce, a Child Support Order, a Paternity Order, etc.



EIGHTH JUDICIAL CIRCUIT

Revised April 28 2009

18 pages
\$2.70

WARNING

IF THERE IS ANY QUESTION in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that you obtain the services of an attorney. If you do not know an attorney, you may contact the Florida Lawyer Referral Service at 1-800-342-8011. If you are filing for divorce in a case involving domestic violence and are financially unable to afford the services of an attorney, you may contact Three Rivers Legal Services at (352) 372-0519 or 1-800-372-0936 to see if you are eligible for their services.

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the Florida Supreme Court, the Florida Bar, the Eighth Judicial Circuit Office of the Court Administrator, the Clerk of the Court or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any indirect or consequential damages resulting from the use of the packet.

Use these forms at your own risk. These forms may or may not be appropriate in your particular case. Any desired outcome from the use of these forms cannot be predicted or guaranteed. **It is strongly recommended that you seek legal advice.**

When the forms refer to: “General Information for Self-Represented Litigants),” the information is found at <http://www.flcourts.org> (select Family Forms located under the heading Self Help in the General Public Tab) or the information is available in the Alachua County Law Library, Room 413, Alachua County Family/Civil Justice Center, 201 E. University Avenue, Gainesville, Florida 32601.



EIGHTH JUDICIAL CIRCUIT

Resources for Litigants Filing A Family Law Action Without Legal Counsel

Video- for people filing for divorce, there is a video, “How to File for Divorce in Florida without an Attorney,” that is available for viewing in the Law Library at the Courthouse during courthouse hours, 8:15 am. – 5:00 pm.

Internet Access- information on how to file family law cases without an attorney in the State of Florida can be found at:

<http://www.circuit8.org/prose/index.html> or <http://www.flcourts.org>
(select Family Forms located under the heading Self Help in the General Public Tab)

Internet access is available from the Law Library or the Alachua County Public Library.

FAMILY COURT CASE MANAGEMENT PROGRAM EIGHTH JUDICIAL CIRCUIT



SERVING ALACHUA COUNTY A PROGRAM OF THE ADMINISTRATIVE OFFICE OF THE COURT

The Family Court Case Management Program staff is employed by the Court to assist the Family Law Judges by making sure that all cases in which the petitioner is not represented by an attorney have met procedural requirements.

As in all matters involving law, it is recommended that you obtain the services of a competent lawyer. It is important for you to understand that the Court and Program staff do not represent you. **YOU** represent yourself.

If you decide to proceed without a lawyer, the Family Court Case Management Program staff **will**:

- explain procedures
- conduct an instructional seminar to explain how to file forms
- inform you about additional court requirements
- help you set a hearing with the judge

The staff **will not**:

- give legal advice or explain rights
- represent you in court
- tell you what forms to file
- tell you how to present your case
- notify you that your case is ready to file

PROCEDURES

1. If you have decided to file a family law case without a lawyer, please follow these steps:
2. Purchase the applicable form &/or packet from the Clerk of the Court or the Law Library.
3. If you wish to attend the instructional seminar, sign up for the seminar that is for the type of case you are filing. Sign up sheets are in room 400.
4. Complete the packet of forms - in ink or typed. Court staff cannot assist you in completing the forms.
5. Further instructions regarding filing and procedures are addressed in the packet. Procedural questions can be answered by calling Family Court. They are also addressed at the seminar.
6. Attend the seminar if you have signed up in room 400. Phone calls and seminars are your opportunity to have your procedural questions answered directly by the Family Court Case Management staff.
7. Instructions regarding procedures after filing are addressed in the packet. Your case will be monitored for procedural requirements by the Family Court Case Manager.

OTHER SERVICES

In addition to the instructional seminar, the Family Court Case Management Program offers assistance to self-represented litigants in a variety of ways.

Internet Access- information on how to file family law cases without an attorney in the State of Florida can be found at:

Eighth Judicial Circuit Website:
<http://circuit8.org/prose/index.html> or

Florida Supreme Court Website:
<http://www.flcourts.org> (select Family Forms located under the heading Self Help in the General Public Tab)

Internet access is available from the Law Library or the Alachua County Public Library.

Legal Clinic- cases that are complex or present unusual situations may be referred by the staff to the University of Florida School of Law. The clinic is seasonal and available at certain times of the school year. To be eligible, litigants must also meet certain financial requirements. For more information, call Family Court at 352/374-3694.





**EIGHTH JUDICIAL CIRCUIT
FAMILY COURT CASE MANAGEMENT PROGRAM**

NOTICE OF LIMITATION OF SERVICES PROVIDED/DISCLAIMER

The personnel in the office of the Clerk of the Court are not acting as your lawyer or providing legal advice to you.

Clerk of Court personnel are not acting on behalf of the court or any judge. The presiding judge in your case may require amendment of a form or substitution of a different form. The judge is not required to grant the relief requested in a form.

The personnel in the office of the Clerk of the Court cannot tell you what your legal rights or remedies are, represent you in court, give legal advice or instructions on completing forms or tell you how to testify in court.

In all cases, it is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets, or liabilities.

_____ I can read English. - (Go to signature line)

_____ I cannot read English, but this notice was read to me by

_____ in _____
(Name) (Language)

YOUR SIGNATURE

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM
12.960,
MOTION FOR CIVIL CONTEMPT/ENFORCEMENT (03/09)**

When should this form be used?

You may use this form to ask the court to enforce a prior court order or final judgment.

What should I do next?

To initiate a civil contempt/enforcement proceeding against a party who is not complying with a prior court order, you must file a motion with the court explaining what the party has failed to do. This form should be typed or printed in black ink. After completing this form, you should sign it before a notary public or deputy clerk. You should then file the original with the clerk of the circuit court in the county where your case was filed and keep a copy for your records.

A copy of this form must be personally served by a sheriff or private process server or mailed* or hand delivered to any other party(ies) in your case. *Please note that if notice is mailed, the court in certain circumstances may not consider mailing to be adequate notice. If you want to be sure, you should have the motion personally served. This is a technical area of the law; if you have any questions about it, you should consult a lawyer. For more information on personal service, see the instructions for **Summons: Personal Service on an Individual**, Florida Family Law Rules of Procedure Form 12.910(a).

The court will then set a hearing. You should check with the clerk of court, judicial assistant, or family law intake staff for information on the local procedure for scheduling a hearing. Once you know the time and date of the hearing, you will need to complete **Notice of Hearing on Motion for Contempt/Enforcement**, Florida Supreme Court Approved Family Law Form 12.961, or, if applicable, **Notice of Hearing (Child Support Enforcement Hearing Officer)**, Florida Supreme Court Approved Family Law Form 12.921, or **[Notice of Hearing Before] General Magistrate**, Florida Family Law Rules of Procedure Form 12.920[(c)], which will specify a time and place for a hearing on the issue. A copy of this form must be mailed or hand delivered to the other party. Again, if notice is mailed, the court in certain circumstances may not consider mailing to be adequate notice. If you want to be sure, you should have the notice personally served. This is a technical area of the law; if you have any questions about it, you should consult a lawyer. For more information on personal service, see the instructions for **Summons: Personal Service on an Individual**, Florida Family Law Rules of Procedure Form 12.910(a).

At the hearing, as in any other civil proceeding, you, as the moving party, will have the burden of proving the other party has not obeyed a prior court order. Once noncompliance is established, the other party will have an opportunity to show an inability to comply with the prior court order. If he or she is unable to do so, the judge may find the other party to be in contempt. If so, the judge may order appropriate sanctions to compel compliance by the other party, including jail, payment of attorneys' fees, suit money, or costs, and coercive or compensatory fines, and may order any other relief permitted by law.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at <http://www.flcourts.org> (select Family Forms located under the heading Self Help in the General Public Tab. See also section 61.14, Florida Statutes and rule 12.615, Florida Family Law Rules of Procedure.

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

Case No.: _____

_____,
Petitioner,
and
_____,
Respondent.

MOTION FOR CIVIL CONTEMPT/ENFORCEMENT

() Petitioner () Respondent requests that the Court enter an order of civil contempt/enforcement against () Petitioner () Respondent in this case because:

1. A final judgment or order *{title of final judgment or order}* _____
in this case was entered on *{date}* _____, by *{court, city, and state}* _____.

Check here if the judgment or order is not from this Court and attach a copy.

2. This order of the Court required the other party in this case to do or not do the following: *{Explain what the other party was ordered to do or not do.}* _____

Check here if additional pages are attached.

3. The other party in this case has willfully failed to comply with this order of the Court: *{Explain what the other party has or has not done.}* _____

Check here if additional pages are attached.

4. I respectfully request that the Court issue an order holding the above-named person in civil contempt, if appropriate, and/or providing the following relief:

- a. ___ enforcing or compelling compliance with the prior order or judgment;
- b. ___ awarding a monetary judgment;
- c. ___ if a monetary judgment was included in the prior order, issuing a writ of execution or garnishment or other appropriate process;
- d. ___ awarding prejudgment interest;
- e. ___ requiring the other party to pay costs and fees in connection with this motion;
- f. ___ if the other party is found to be in civil contempt, ordering a compensatory fine;
- g. ___ if the other party is found to be in civil contempt, ordering a coercive fine;

- h. ___if the other party is found to be in civil contempt, ordering incarceration of the other party;
- i. ___issuing a writ of possession for real property, writ for possession of personal property, or other appropriate writ;
- j. ___issuing a writ of bodily attachment if the other party fails to appear at the hearing set on this motion;
- k. ___requiring the other party to make payments through the central governmental depository;
- l. ___requiring the support payments to be automatically deducted from the other party's income or funds;
- m. ___requiring the other party to seek employment;
- n. ___awarding make-up time-sharing with minor child(ren) as follows *{explain}*: _____

 _____; and

- o. ___awarding other relief *{explain}*: _____
- _____

 _____.

I certify that a copy of this document was [one only] () mailed () faxed and mailed () hand delivered to the person(s) listed below on *{date}* _____.

Other party or his/her attorney:

Name: _____
 Address: _____
 City, State, Zip: _____
 Fax Number: _____

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

 Signature of Party
 Printed Name: _____
 Address: _____
 City, State, Zip: _____
 Telephone Number: _____
 Fax Number: _____

STATE OF FLORIDA
 COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____

 NOTARY PUBLIC or DEPUTY CLERK

 [Print, type, or stamp commissioned name of notary or clerk.]

___ Personally known
___ Produced identification; type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [fill in all blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the [✓ **one** only] ___ petitioner **or** ___ respondent, fill out this form.

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW RULES OF PROCEDURE FORM 12.900(h), NOTICE OF RELATED CASES (01/09)

When should this form be used?

Florida Rule of Judicial Administration 2.545(d) requires the **petitioner** in a family law case to file with the court a notice of related cases, if any. Your circuit may also require this form to be filed even if there are no related cases. A case is considered related if

- it involves the same parties, children, or issues and is pending when the family law case is filed; or
- it affects the court's jurisdiction to proceed; or
- an order in the related case may conflict with an order on the same issues in the new case; or
- an order in the new case may conflict with an order in the earlier case.

This form is used to provide the required notice to the court.

This form should be typed or printed in black ink. It must be **filed** with the **clerk of the circuit court** with the initial pleading in the family law case.

What should I do next?

A copy of the form must be served on the presiding judges and either the chief judge or the family law administrative judge. You should also keep a copy for your records.

Where can I look for more information?

See Florida Rule of Judicial Administration 2.545(d).

Special notes . . .

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms **must** also put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner,
and

Respondent.

NOTICE OF RELATED CASES

1. Petitioner submits this Notice of Related Cases as required by Florida Rule of Judicial Administration 2.545(d). A related case may be an open or closed civil, criminal, guardianship, domestic violence, juvenile delinquency, juvenile dependency, or domestic relations case. A case is "related" to this family law case if it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; if it affects the court's jurisdiction to proceed; if an order in the related case may conflict with an order on the same issues in the new case; or if an order in the new case may conflict with an order in the earlier litigation.

[v one only]

There are no related cases.

The following are the related cases (add additional pages if necessary):

Related Case No. 1

Case Name(s): _____

Petitioner _____

Respondent _____

Case No.: _____ Division: _____

Type of Proceeding: [v all that apply]

- | | |
|---|--|
| <input type="checkbox"/> Dissolution of Marriage | <input type="checkbox"/> Paternity |
| <input type="checkbox"/> Custody | <input type="checkbox"/> Adoption |
| <input type="checkbox"/> Child Support | <input type="checkbox"/> Modification/Enforcement/Contempt Proceedings |
| <input type="checkbox"/> Juvenile Dependency | <input type="checkbox"/> Juvenile Delinquency |
| <input type="checkbox"/> Termination of Parental Rights | <input type="checkbox"/> Criminal |
| <input type="checkbox"/> Domestic/Sexual/Dating/Repeat | <input type="checkbox"/> Other {specify} _____ |
| <input type="checkbox"/> Violence Injunctions | |
| <input type="checkbox"/> Mental Health | |

State where case was decided or is pending: Florida Other: {specify} _____

Name of Court where case was decided or is pending (for example, Fifth Circuit Court, Marion County, Florida): _____

Title of last Court Order/Judgment (if any): _____

Date of Court Order/Judgment (if any): _____

Relationship of cases [v all that apply]:

- pending case involves same parties, children, or issues;
- may affect court's jurisdiction;
- order in related case may conflict with an order in this case;
- order in this case may conflict with previous order in related case.

Statement as to the relationship of the cases: _____

Related Case No. 2

Case Name(s): _____

Petitioner: _____

Respondent: _____

Case No.: _____ Division: _____

Type of Proceeding: [all that apply]

- Dissolution of Marriage
- Custody
- Child Support
- Juvenile Dependency
- Termination of Parental Rights
- Domestic/Sexual/Dating/Repeat Violence Injunctions
- Mental Health
- Paternity
- Adoption
- Modification/Enforcement/Contempt Proceedings
- Juvenile Delinquency
- Criminal
- Other {specify} _____

State where case was decided or is pending: Florida Other: {specify} _____

Name of Court where case was decided or is pending (for example, Fifth Circuit Court, Marion County, Florida): _____

Title of last Court Order/Judgment (if any): _____

Date of Court Order/Judgment (if any): _____

Relationship of cases [all that apply]:

- pending case involves same parties, children, or issues;
- may affect court's jurisdiction;
- order in related case may conflict with an order in this case;
- order in this case may conflict with previous order in related case.

Statement as to the relationship of the cases: _____

Related Case No. 3

Case Name(s): _____

Petitioner: _____

Respondent: _____

Case No.: _____ Division: _____

Type of Proceeding: [all that apply]

- Dissolution of Marriage
- Custody
- Child Support
- Juvenile Dependency
- Termination of Parental Rights
- Domestic/Sexual/Dating/Repeat Violence Injunctions
- Mental Health
- Paternity
- Adoption
- Modification/Enforcement/Contempt Proceedings
- Juvenile Delinquency
- Criminal
- Other {specify} _____

State where case was decided or is pending: Florida Other: {specify} _____

Name of Court where case was decided or is pending (for example, Fifth Circuit Court, Marion County, Florida): _____

Title of last Court Order/Judgment (if any): _____

Date of Court Order/Judgment (if any): _____

Relationship of cases [v all that apply]:

- pending case involves same parties, children, or issues;
- may affect court's jurisdiction;
- order in related case may conflict with an order in this case;
- order in this case may conflict with previous order in related case.

Statement as to the relationship of the cases: _____

2. [v one only]

- I **do not** request coordination of litigation in any of the cases listed above.
- I **do** request coordination of the following cases: _____

3. [v all that apply]

- Assignment to one judge
 - Coordination of existing cases
- will conserve judicial resources and promote an efficient determination of these cases because: _____.

4. The Petitioner acknowledges a continuing duty to inform the court of any cases in this or any other state that could affect the current proceeding.

Dated: _____

 Petitioner's Signature
 Printed Name: _____
 Address: _____
 City, State, Zip: _____
 Telephone Number: _____
 Fax Number: _____

CERTIFICATE OF SERVICE

I **CERTIFY** that I delivered a copy of this Notice of Related Cases to the _____ County Sheriff's Department or a certified process server for service on the Respondent, and [v one only] () mailed () hand delivered a copy to () {name} _____, who is the [v all that apply] () judge assigned to new case, () chief judge or family law administrative judge, () {name} _____, a party to the related case, () {name} _____, a party to the related case on {date} _____.

Petitioner/Attorney for Petitioner

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [fill in all blanks]

I, {full legal name and trade name of nonlawyer} _____,
 a nonlawyer, located at {street} _____, {city} _____,
 {state} _____, {phone} _____, helped {name} _____
 who is the Petitioner, fill out this form.

RULE 12.287.

FINANCIAL AFFIDAVITS IN ENFORCEMENT AND CONTEMPT PROCEEDINGS

Any party in an enforcement or contempt proceeding may serve upon any other party a written request to file and serve a financial affidavit if the other party's financial circumstances are relevant in the proceeding. The party to whom the request is made shall file and serve the requested financial affidavit within 10 days after the service of the written request. The court may allow a shorter or longer time. The financial affidavit shall be in substantial conformity with the Florida Family Law Form 12.902(b) (Short Form), all sections of which shall be completed.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

Petitioner,

CASE NO: _____
DIVISION: _____

and

Respondent.

_____ /

REQUEST FOR FINANCIAL AFFIDAVIT

Petitioner/Respondent (*circle one*) files this request for production of a completed Financial Affidavit pursuant to Family Law Rule of Procedure 12.287. The recipient of this request is to complete all sections of the attached Financial Affidavit and file it with the court within 10 days after receiving this written request.

I CERTIFY that this *REQUEST FOR FINANCIAL AFFIDAVIT* will be furnished to the other party by mail, ___ hand delivery:

Other Party or their attorney (if represented)

Name _____

Address _____

City _____ State _____ Zip _____

Telephone No. _____

Telefax No. _____

DATED: _____

Your Signature

Printed name _____

Address _____

City _____ State _____ Zip _____

Telephone (area code and number)

Requesting a Hearing/Non-Jury Trial in a Family Court Case in Alachua County, Florida

DO NOT SUBMIT THE NOTICE THAT ACTION IS AT ISSUE.

Until:

1. *All the appropriate forms or documents have been filed to include financial affidavits, child support worksheet, parenting stabilization course, etc.*
2. *You have filed Proof of Service of Process Or Proof of Publication AND the Clerk has entered a default.*
3. *Or the Respondent has filed a response or an Answer and Waiver.*
4. *AND Mediation (352) 491-4417 has been completed if necessary.*

You will use the combined form titled “*Notice that Action is at Issue and Request for a Hearing/Non-Jury Trial*” to request a Hearing/Non-Jury Trial on your motion or petition. If you do so before the above has taken place a Hearing/Non-Jury Trial will **not** be scheduled.

Fill in the following information:

- Parties’ names (Petitioner and Respondent)
- Case number and Division
- Your name (Comes Now _____)
- Amount of time you think necessary for the judge to hear all the issues in your case. If your case has no disputed issues, it may take only ten minutes.
- Today’s date
- Your signature (no Notary needed)
- The Respondent’s name and address

Make 2 copies of the original:

- File the original with the clerk’s office.
- Mail or hand deliver one copy to the Respondent.

•Mail or hand deliver one copy to the **Case Manager in Room 400** (Family Courts) in the Alachua County Family/Civil Justice Center along with 2 stamped business size envelopes, one addressed to you and the other addressed to the Respondent. You may submit these items by mail to the Case Manager at the Alachua County Family/Civil Justice Center, 201 E. University Avenue, Room 400, Gainesville, FL 32601.

In about **three weeks**, you should receive a response from the judge’s office. If not, you may call Family Courts at (352) 374-3694 to ask about the status of your request for a court hearing. In the event your case is not ready for a hearing/non-jury trial you will be informed by mail as what actions are needed for your case to proceed.

IN THE CIRCUIT COURT, EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

Petitioner,

CASE NO.: _____

and

DIVISION: _____

Respondent.

NOTICE THAT ACTION IS AT ISSUE AND REQUEST FOR HEARING/NON-JURY TRIAL

COMES NOW _____, and shows that this action is at issue and ready for a hearing/non-jury trial. The hearing/trial is on the original action. It is estimated that the trial will require _____ minutes. Therefore, the undersigned requests the court schedule a hearing/non-jury trial in this action.

Dated: _____ (today's date)

YOUR SIGNATURE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Action has been furnished by U.S. Mail or hand delivery on _____, 20____, to:
(Print the respondent's name and address below)

Your Signature

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons with a disability who need any accommodation in order to participate should call Jan Phillips, ADA Coordinator, Alachua County Courthouse, 201 E. University Ave., Gainesville FL 32601 at (352) 337-6237 within two working days of your receipt of this notice; if you are hearing impaired call (800) 955-8771; if you are voice impaired, call (800) 955-8770.