

MOTION FOR CONTEMPT AND ENFORCEMENT

INFORMATION ABOUT THIS PACKET

Before you choose to represent yourself in any action, it is strongly recommended that you seek the advice of an attorney.

The forms included in this packet are for those litigants who choose to represent themselves in court, pro se (without an attorney). The packet may or may not include all the forms you need for your particular situation. Additional forms may be available upon request from the Clerk of Court's office.

It is up to you, the pro se litigant, to determine which forms are appropriate for your situation and to fill the forms out completely and properly. It is also your decision whether or not to use these forms. If you have any questions concerning your legal rights and remedies, please contact an attorney.

The Clerk of Court's Office and the Family Law Pro Se Coordinator cannot give you legal advice. You are representing yourself and you alone are responsible for the correct completion and filing of forms.

For a complete list of forms that are available through the Clerk of Court's Office, please refer to the Family Law Forms, Commentary and Instructions Book. For other information, refer to the Florida Statutes and the Florida Family Law Rules of Procedure.

IMPORTANT INFORMATION AND INSTRUCTIONS FOR PRO SE

ABOUT LEGAL PROCEEDINGS:

- A pro se litigant is a person who represents himself on a legal matter without the legal advice and representation of an attorney licensed to practice law.
- It is highly recommended that you consult with an attorney before deciding to represent yourself in court.
- The Pro Se Coordinator nor the Clerk are attorneys and cannot give you legal advice, represent you in court, tell you what to say, do or write, or tell you about your legal rights and remedies.
- The Pro Se Coordinator can give information and guidance on how the court systems works, what forms are available for your use, local procedures for filing your forms and getting a hearing date and agencies in the community that may be able to assist you.
- It is the pro se litigant's responsibility to file the appropriate pleadings with the Clerk of Court, properly serve the opposing party with a copy of all documents, and make sure that the other party is given sufficient notice of the hearing.
- There is no confidential relationship between Family Law Pro Se Staff and pro se litigants.

ABOUT THE COURT HEARING:

- Be prepared to tell the Court what specific issues are to be addressed. It is recommended that you write down all issues and concerns that you will need to know in court rather than rely on memory.
- The parties are not allowed to speak to each other. All questions and objections must be directed to the Judge. Address the Judge as "Your Honor" and request permission to address the court before speaking. Do not talk while the Judge is talking.
- Arrangements should be made in advance for the care of minor children. The court will not address family law issues while the minor child(ren) are present.
- Be sure to dress appropriately. No shorts, flip flops, slippers, halter or low cut tops, tight or short skirts/dresses.
- All parties must maintain the utmost respect for the Court and each other at all times.
- The Court will not tolerate emotional outburst. If you disagree with the Judge's decision, refrain from yelling, cursing, or making rude, threatening or other inappropriate comments.

CAUTION: The Judge can hold you in contempt of court for inappropriate actions or words, and you could be find and/or incarcerated.

COURT ADMINISTRATION FIRST JUDICIAL CIRCUIT

PRO SE INSTRUCTIONS FOR ENFORCEMENT OF COURT ORDERS

*****PLEASE READ CAREFULLY BEFORE REQUESTING A HEARING*****

Important: If you have a case with the Department of Revenue, Child Support Enforcement Office, you will need to contact them on enforcement of child support.

There will be costs involved with a Motion for Enforcement such as filing fees, copy fees and fees for service by the Sheriff's Office

Please read the General Information for Self-Represented Litigants and the Important Information and Instructions for Pro Se Litigants at the front of your packet before proceeding.

Definitions:

Petitioner: Individual making a written request (you are the petitioner)

Respondent: Individual receiving or answering written request (the person not doing as ordered)

You must have the respondent's current home or work address so that you can serve him/her with the pleadings.

You must get your case number and division from the Clerk of Court and write it on the front of each document.

Following is a checklist of forms and requirements. Specific instructions are available for each form to assist you in completing them correctly. You may need to obtain additional forms depending on your circumstances. Additional forms may be obtained from the Santa Rosa County Clerk of Court, Family Law Division, located at the Santa Rosa County Courthouse, 6865 Caroline Street, Milton, Florida 32570, (850)981-5552, Clerk's Annex offices, or can be downloaded from the Internet at www.flcourts.org.

1. _____ Complete the Motion for Civil Contempt/Enforcement and the Request for Hearing and file with the Clerk's Office along with the required filing fee. You will receive notification of a hearing date in the mail from the Pro Se Coordinator.
2. _____ Once you have received your hearing date, file the Notice of Hearing with the Clerk of Court, Santa Rosa County Courthouse, 6865 Caroline Street, Milton, Florida 32570 or any of the Clerk's Annex Offices. The Clerk will provide you with certified copies for service on the other party and a copy for yourself. There will be a fee of \$1.00 per page for copies and \$2.00 per document for certification.
3. _____ **Take the documents to the Sheriff's Office for service.** If the respondent lives in Santa Rosa County, you will take your documents to the Santa Rosa County Sheriff's Office Civil Division for service of process on the respondent. The Sheriff's Office will send a Return of Service to you and/or the Clerk of Court stating whether or not the respondent was served. If the respondent lives in another county, he/she must be served by the Sheriff's Office or a certified Process Server in that county and the Return of Service will be

sent to you. You will have to file the Return of Service with the Clerk of Court.

4. ____ If your **Motion for Civil Contempt/Enforcement involves nonpayment of child support or alimony**, you must also provide the following documentation to your court file prior to your hearing. (Note: These items should be obtained from the Clerk of Court as close to your hearing date as possible so that all figures are current)
 - a. Written statement of arrears (total support ordered, but not received) if the payments are made directly to you
 - b. Certified Arrearage Affidavit – if payments are made through the Clerk of Court. (There is a fee for this service)
5. ____ If your **Motion for Civil Contempt/Enforcement** involves any issues regarding the children, you must also complete Form **12.902(d) Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**.
6. ____ **Order on Motion for Enforcement**. You are required to provide a neatly and accurately typed or handwritten Order on Motion for Enforcement (leave items the Judge will decide blank).
7. ____ **Be prepared for your hearing**. You must be prepared to address the issues you requested the Court to enforce in your petition. Remember: **The Court may not address issues that you did not specifically indicate on the Motion for Enforcement, and the Court cannot enforce something that was not previously ordered.**

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. Please contact: Court Administration ADA Liaison Santa Rosa County 6865 Caroline Street Milton FL 32570 Phone 850-623-3159 Fax 850-982-0602 ADA.SantaRosa@flcourts1.gov at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.