

**INSTRUCTIONS FOR FILING A
MOTION FOR CIVIL CONTEMPT/ENFORCEMENT
AND OBTAINING A HEARING DATE**

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

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 the 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. As indicated on the motion, a certification must be made that a copy was served on the other party by mail, fax and mail, or hand delivery. **(For information regarding personal service, please see the instructions for Summons: Personal Service on an Individual; Florida Family Law Rules of Procedure Form 12.910(a)).**

Once you have filed your motion, the Clerk of Court will docket and scan your pleading. Please wait at least 5 days before contacting the Self-Help Program at (863) 534-4015 to inquire about what steps will be taken at this point.

**If your case only involves issues pertaining to child support, your motion will be referred to a child support hearing officer for review and scheduling. If your case is heard by the child support hearing officer, the following information applies: A child support enforcement hearing officer is an attorney who has been appointed by administrative order of the court to take testimony and recommend decisions in cases involving the establishment, enforcement, and/or modification of child support, and the enforcement of alimony in conjunction with an ongoing child support arrearage order. You cannot object to the referral of your case to a hearing officer.*

At the contempt hearing, you, as the moving party, will have the burden of proving the other party has not obeyed a prior court order. Once non-compliance 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. **YOU SHOULD BE AWARE THAT ANY HEARING SET PURSUANT TO THIS SECTION SHALL REQUIRE AT LEAST A 30-DAY NOTICE TO THE OTHER PARTY.**

REMEMBER, THIS MATTER WILL NOT BE SET FOR HEARING UNTIL YOU HAVE COMPLIED WITH THE ABOVE INSTRUCTIONS.

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.960,
MOTION FOR CIVIL CONTEMPT/ENFORCEMENT

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 **Order of Referral to General Magistrate**, Florida Family Law Rules of Procedure Form 12.920(b), 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 the beginning of these forms. 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 _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

_____,
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 visitation 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.