

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED
FAMILY LAW FORM 12.941(a),
VERIFIED MOTION FOR TEMPORARY INJUNCTION TO
PREVENT REMOVAL OF MINOR CHILD(REN) AND/OR DENIAL
OF PASSPORT SERVICES (03/09)**

When should this form be used?

You should use this form if you want the court to enter an **order** that your minor child(ren) is (are) not to be removed from the State of Florida while a case involving parenting or time-sharing is pending, that passport services for the minor child(ren) be prohibited, and/or that existing passports be turned over to you.

This form should be typed or printed in black ink. If you want the court to enter an **ex parte** order, without giving the other side advance notice of the hearing, you should explain your reasons in paragraph 5 of this form. After completing this form, you should sign the form before a **notary public**. You should **file** the original with the **clerk of the circuit court** in the county where your case is pending and keep a copy for your records. You should also ask the clerk to process your **motion** through their emergency procedures.

What should I do next?

If the court enters an order without advance notice to the other party, you should take a **certified copy** of the order to the sheriff's office for further assistance. You must have this form and the court's order, served by **personal service** on the other party. You should read the court's order carefully. Look for directions in the order that apply to you and note the time and place of the **hearing** scheduled in the order. You should go to the hearing with whatever evidence you have regarding your motion.

If the court will not enter an order without advance notice to the other side, you should check with the clerk of court, **family law intake staff**, or **judicial assistant** for information on the local procedure for scheduling a hearing on your motion, unless the court sets a hearing in its order denying your request for an ex parte hearing. When you know the date and time of your hearing, you should file **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923 or other appropriate notice of hearing form, and use personal service to notify the other party of your motion, the court's order, if any, and the hearing.

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. For further information, see chapter 61, Florida Statutes, and rule 1.610, Florida Rules of Civil Procedure.

Special notes...

If you have an attorney, your attorney must certify in writing the efforts that have been made to give the other party notice, if no notice is given. The court may require you to post a **bond** as a condition of the injunction.

With this form you must also file the following, if you have not already done so, and provide a copy to the other party:

- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).

Temporary Injunctions... These family law forms contain a **Temporary Injunction to Prevent Removal of Minor Child(ren) and/or Denial of Passport Services (Ex Parte)**, Florida Supreme Court Approved Family Law Form 12.941(b), which the **judge** may use if he or she enters an order without a hearing, and a **Temporary Injunction to Prevent Removal of Minor Child(ren) and/or Denial of Passport Services (After Notice)**, Florida Supreme Court Approved Family Law Form 12.941(c), which the judge may use if he or she enters an order after a hearing. You should check with the clerk, family law intake staff, or judicial assistant to see if you need to bring a blank order form with you to the hearing. If so, you should type or print the heading, including the circuit, county, case number, division, and the parties’ names, and leave the rest blank for the judge to complete at your hearing.

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.

**VERIFIED MOTION FOR TEMPORARY INJUNCTION TO PREVENT REMOVAL OF
MINOR CHILD(REN) AND/OR DENIAL OF PASSPORT SERVICES**

() Petitioner () Respondent requests the Court to enter a temporary injunction to prevent removal of the following listed minor child(ren) from the jurisdiction of this Court and deny passport services for the child(ren) and says:

1. The minor child(ren) subject to this request is (are):

Name

Birth date

Name	Birth date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. The child(ren) has (have) been a resident(s) of _____ County, Florida since {date} _____.

3. A completed Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d), is filed with this motion.

4. It is in the best interests of the minor child(ren) that the Court order the following:

[**all** that apply]

- a. ___ The child(ren) not be removed from the jurisdiction of this Court while litigation is pending because: _____

- b. ___ Passport services for the minor child(ren) be prohibited because: _____

c. ___ Existing passports for the minor child(ren) be immediately turned over to () Petitioner () Respondent because: _____

5. This motion should be granted () with () without notice to the other party. *{If without notice, explain why there would be immediate and irreparable harm if the other party is given notice.}*

WHEREFORE, () Petitioner () Respondent requests the following from the Court:

[all that apply]

- a. ___ enter a temporary injunction to prevent removal of the child(ren) named above from the jurisdiction of this Court while this action is pending;
- b. ___ enter an order denying passport services for the minor child(ren);
- c. ___ enter an order requiring that any existing passports for the minor child(ren) be immediately delivered to () Petitioner () Respondent;
- d. ___ enter a temporary injunction without notice to the other party.

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} _____ or () was not delivered to the person(s) listed below because _____

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 in this verified motion 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 the party filing this motion is represented by an attorney, the attorney must complete the following:

I, the undersigned attorney for the movant, hereby certify in that the following efforts have been made to give notice. *{if no efforts have been made, why}* _____

Signature

Florida Bar Number

Printed Name

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.