

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.950(g)
MOTION FOR CIVIL CONTEMPT AND/OR RETURN OF CHILD(REN)
(11/15)**

When should this form be used?

You may use this form to ask the court to enforce a prior court **order, final judgment** or to request the return of a child(ren) who has been relocated in violation of Section 61.13001, Florida Statutes.

What should I do next?

To initiate a civil contempt/enforcement proceeding against a **party** who has relocated with a child contrary to the requirements of a prior court order, or is otherwise not complying with a prior court order concerning relocation, or in the event there has been a relocation in violation of Section 61.13001, Florida Statutes, 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.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form

12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

A copy of this form must be **personally served** by a sheriff or private process server or mailed*, e-mailed* or hand delivered to any other party(ies) in your case. *Please note that if notice is mailed or e-mailed, the court in certain circumstances may not consider mailing or e-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, 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 the form you used to schedule the hearing must be mailed, e-mailed, or hand-delivered to the other party. Again, if notice is mailed or e-mailed, the court in certain circumstances may not consider that 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 other civil proceedings, you, as the party seeking contempt or return of children, will have the burden of proof. The other party will have an opportunity to put on defenses, if any apply. If the judge finds the other party to be in willful contempt or in violation of Section 61.13001, Florida Statutes, the judge may order appropriate sanctions to compel compliance or return of the child(ren) by the other party, including jail, payment of attorneys' fees, suit money, court costs, 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 AND/OR RETURN OF CHILD(REN)

_____ Petitioner _____ Respondent requests that the Court enter an order of civil contempt and/or an order for return of child(ren) against _____ Petitioner _____ Respondent because he/she has relocated with the parties' minor child(ren) or has taken other action with respect to relocation.

I. NONCOMPLIANCE OR VIOLATION

- A. The other party in this case has willfully failed to comply with the: *{Choose only one}*
1. _____ **Court order or judgment** entered on *{date}* _____, by *{court, city, and state}* _____.
_____ Please indicate here if the judgment or order is not from this Court and attach a copy of the judgment or order to this motion.
 2. _____ **Written Agreement** of the parties.
 3. _____ **Relocation procedures** of Section 61.13001, Florida Statutes.

B. This order, judgment, agreement, or statute, 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}* _____

_____ Please indicate here if additional pages are attached.

C. The other party in this case has willfully failed to comply with this order or judgment of the court, a written agreement, or the requirements of Section 61.13001, Florida Statutes: *{Explain what the other party has or has not done}*. _____

_____ Please indicate here if additional pages are attached.

II. REQUEST FOR RELIEF OR SANCTION

A. _____ There **IS** a prior court order or judgment and 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: *{Indicate **all** that apply}*

- 1. _____ ordering the immediate return of the minor child(ren);
- 2. _____ granting a temporary order restraining the relocation of minor child(ren);
- 3. _____ enforcing or compelling compliance with the prior order or judgment;
- 4. _____ requiring the other party to pay costs and fees in connection with this motion;
- 5. _____ if the other party is found to be in civil contempt, ordering a compensatory fine;
- 6. _____ if the other party is found to be in civil contempt, ordering a coercive fine;
- 7. _____ if the other party is found to be in civil contempt, ordering incarceration of the other party after setting an appropriate purge;
- 8. _____ issuing a writ of bodily attachment as appropriate;
- 9. _____ awarding make-up time-sharing with minor child(ren) as follows *{explain}*

- 10. _____ awarding attorney's fees; and/or
- 11. _____ awarding other relief, including sanctions, *{explain}*:

OR

B. _____ There is **NO** prior court order; however, the above-named person has violated the requirements of Section 61.13001, Florida Statutes, and I respectfully request that the court issue an order providing the following relief:

- 1. _____ ordering the immediate return of the minor child(ren);
- 2. _____ granting a temporary order restraining the relocation of the minor child(ren);
- 3. _____ enforcing or compelling compliance with Section 61.13001, Florida Statutes;
- 4. _____ requiring the other party to pay costs and fees in connection with this motion;
- 5. _____ awarding make-up time-sharing with minor child(ren) as follows *{explain}*: _____

- 6. _____ awarding attorneys' fees; and/or
- 7. _____ awarding other relief, including sanctions, *{explain}*: _____

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

Other party or his/her attorney:

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

Designated E-mail Address(es): _____

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

Dated: _____

Signature of Party or his/her attorney

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

Designated E-mail Address(es): _____

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 deputy 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] This form was prepared for the: *{choose only one}* () Petitioner () Respondent

This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

{city} _____, *{state}* _____, *{zip code}* _____ *{telephone number}* _____.