

INSTRUCTIONS FOR THE COMPLETION OF A BLANK FAMILY LAW MOTION

REMEMBER: If you have questions or concerns about your motion that you cannot resolve yourself, even after reading this instruction sheet, it is strongly recommended that you consult with a lawyer before taking any further action.

The blank motion that is attached to this instruction sheet may be used to make a request for judicial action in the Thirteenth Judicial Circuit, Tampa, Florida, during the pendency of a lawsuit, or after the entry of a final judgment. This motion should only be used when you are certain that a more suitable form has not yet been approved by the Florida Supreme Court. The following court-approved form motion, when applicable, should be utilized instead of the blank motion (these approved forms can be found in the Florida Family Law Rules of Procedure):

- Motion for Civil Contempt/Enforcement - Form 12.960
- Emergency Verified Motion for Child Pick-Up Order - Form 12.941(d)
- Motion for Temporary Injunction to Prevent the Removal of Child(ren) and Denial of Passport Services. - Form 12.941(a)
- Motion for Appointment of Guardian Ad Litem - Form 12.942(a)

Before using the blank motion, you need to determine whether you should file a **petition** or a **motion**. A petition is the pleading that begins a lawsuit, or reopens a closed lawsuit. You must use a petition to begin a lawsuit against someone, or to modify a previous court order. A motion is used to make a request for a specific order during the course of a pending lawsuit after a petition has already been filed, or to ask the court to enforce a previous court order or find someone in contempt of court. A petition typically requires a filing fee, while a motion does not.

If you decide to use the attached blank motion, you must set forth your current legal problem or concern, and your suggested remedy or solution, in the blank numbered paragraphs. The court generally cannot order something for your benefit, unless you specifically request what you want the court to order. Make sure to sign your motion in front of a notary public, who then must notarize your motion. (It is good practice to notarize every motion to avoid any future problems).

SERVICE OF MOTION ON THE OTHER PARTY:

(If your case involves more than just yourself and one other party, you must follow these rules for every party in your case).

Except in very limited instances discussed below, you will need to simultaneously provide a copy of your motion to the other party when you file your motion with the court. Therefore, you need to either mail, telefax, or hand deliver a copy of the motion to the other party. Once you decide which method of service to use, you then must fill out the “Certificate of Service” section by indicating the method of service you plan to use to provide a copy of your motion to the other party.

In most cases, it is essential that you provide the other party with a copy of your motion. When a party files a motion with the court without notifying the other party about the motion, the motion is considered an *ex parte* motion. Your judge can only rule on an *ex parte* motion without a hearing when there is a well-founded reason to not have a hearing (for instance, when one party believes the other party will destroy or hide property if given notice of an impending court hearing).

FILING:

If you choose to file your motion in person, you may file it at the following location: 800 East Twiggs Street, room 101. If you choose to file by mail, you should send your documents to: Clerk of the Court, P.O. Box 3450, Tampa, Florida 33601. The phone number for the Clerk of Court is 276-8100 x 4358.

NOTICE OF HEARING:

When a party files a motion with the court, the party must also schedule that motion for a hearing on that motion with the judge or general master. After you obtain a hearing date, you must attempt to contact the other party for the purpose of mutually agreeing on the most convenient time for the hearing. If your attempts at coordinating a suitable time and date for the hearing are unsuccessful, or if the other party is uncooperative, you have satisfied your obligation, and you may schedule the hearing for the time and date you deem appropriate. However, unless your motion is an emergency motion, you must provide the other party with a copy of your motion at least five (5) business days before the date of the hearing, unless the other party agrees to an earlier hearing date. Failure to provide the other party at least five (5) business days to prepare may result in the court denying or striking your motion.

Once you obtain the time and date of your hearing, you must complete a “Notice of Hearing” form (12.923). After you complete the “Notice of Hearing,” you must file it with the court, and also serve a copy on the other party.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT, IN AND FOR
HILLSBOROUGH COUNTY, STATE OF FLORIDA

IN RE: **(1)**
 List the petitioner's name in
the original case

_____,
 Petitioner,

Case No. **(3)**

AND **(2)**
 List the Respondents Name

_____.
 Respondent.

Division **(4)**

_____ /

(5) State what you want to file a motion for

MOTION TO/FOR:

 (6) Your Name

COMES NOW, _____, and moves that the court grant the

(7) State same as number (5)

relief sought herein in the Motion to/for _____, and as
grounds therefore would show:

(8) On the lines below list exactly what you want to ask from the court

1. _____

2. _____

3. _____

WHEREFORE, the undersigned prays that this court will grant the relief sought herein.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by [**check one only**]
() mail () faxed and mailed () hand delivered to the person(s) listed below on

(9) Date you file your motion

{date} _____

Other party or his/her attorney:

(10) List the name and address of the other party in your case

Name: _____

Address _____

City, State, Zip _____

(11) Your signature in front of a notary

Signature of party

Address

City, State, Zip

Telephone

STATE OF FLORIDA
COUNTY OF _____)

Sworn to (or affirmed) and subscribed before me on (date) _____ 20__ by
(name) _____.

NOTARY PUBLIC-STATE OF FLORIDA

____ Personally known

____ Produced Identification

Type of Identification _____

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA



IN RE:

Petitioner,

Case No. _____

AND

Division _____

Respondent.

_____/

MOTION TO/FOR: _____

COMES NOW, _____, and moves that the court grant the relief sought herein in the Motion to/for _____, and as grounds therefore would show:

1. _____

2. _____

3. _____

WHEREFORE, the undersigned prays that this court will grant the relief sought herein.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by [check one only]
() mail () faxed and mailed () hand delivered to the person(s) listed below on
{date} _____

Other party or his/her attorney:

Name: _____

Address _____

City, State, Zip _____

Signature of party

Address

City, State, Zip

Telephone

STATE OF FLORIDA
COUNTY OF _____)

Sworn to (or affirmed) and subscribed before me on (date) _____ 20 ____ by

{name} _____.

NOTARY PUBLIC-STATE OF FLORIDA

____ Personally known

____ Produced identification

Type of identification produced
