

EMERGENCY MOTION FOR CHILD PICK-UP ORDER

(Packet #11)

This packet should only be used in an emergency by a person who has a pre-existing legal right to physical possession of a minor child (i.e. you already have a court order awarding you legal “custody” of the child(ren) **OR** you are the birth mother of one or more children born out of wedlock and no court order has addressed any other person’s parental rights.

IN ADDITION TO THE FORMS PROVIDED IN THIS PACKET YOU MUST FILE THE FOLLOWING DOCUMENTS:

- *A certified copy of the court order showing that you have legal custody of the child(ren)*
OR
- *A certified copy of the child(ren) ’s birth certificate, if you are the birth mother of a child born out of wedlock and no court order addressing paternity exists*
OR
- *A certified copy of any judgment establishing paternity or custody of the minor child(ren)*

IF YOU DO NOT HAVE A HILLSBOROUGH COUNTY CASE ADDRESSING CUSTODY/VISITATION/TIMESHARING, YOU MUST START A NEW CASE IN ORDER TO USE THIS PACKET.

YOU WILL NEED ANOTHER PACKET OF FORMS TO START A NEW CASE.

If you choose to represent yourself (*pro se*) in your case, you should be aware that you will be required to follow the same rules that are required in cases filed by persons represented by attorneys. The judge or general magistrate assigned to your case is not required to grant what you request in a form. If you do not like the outcome of your case, you may not be able to change it. If you have any questions or concerns about your case, you should consult with an attorney.

If you do not know an attorney, you may call the Lawyer Referral Service at 221-7780. If you do not have the money to hire an attorney, you may apply to Bay Area Legal Services by calling 232-1343. You may also obtain legal information at the Legal Information Center at the George Edgecomb Courthouse, call 864-2280 for the hours of operation.

All instructions and forms distributed by the Thirteenth Judicial Circuit are provided merely as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se (self-represented) litigants with their cases. The Thirteenth Judicial Circuit does not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form as drafted. Any person using these instructions and/or forms does so at his or her own risk, and the Thirteenth Judicial Circuit shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

In no event will the Florida Supreme Court, The Florida Bar, or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any direct, indirect, or consequential damages from their use.

<u>FORMS CONTAINED IN THIS PACKET</u>	<u>FORM #</u>	<u>WHEN TO USE</u>
General Information for Self-Represented Litigants	Appendix C	For your information only
12 Rules of Courtroom Civility	12 Rules	Required to start
Nonlawyer Disclosure	12.900(a)	Required if someone who is not a lawyer helps you with the forms
Emergency Motion for Child Pick Up Order	12.941(d)	Required to start
Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (UCCJEA)	12.902(d)	Required to start
Summons: Personal Service on an Individual	12.910(a)	May be required to have the other party served
Process Service Memorandum	12.910(b)	May be required to have the other party served
Order to Pick Up Minor Children	12.941(e)	
Fee Schedule for Family Law Cases	Fee	A schedule of fees for Family Law related cases
Notice of Confidential Information Within Court Filing	2.40(d)(2)	Use to notify the clerk of documents containing confidential information

STEP BY STEP INSTRUCTIONS

STEP ONE - Complete the forms to start the case and have them notarized

1. **FORMS MUST BE COMPLETED AND SIGNED IN BLACK INK AND MOST MUST BE NOTARIZED.** The clerk's office will notarize documents and charge a fee (see attached schedule). Please bring a valid ID.
2. **Names must be written the same way on all documents (no full names on one document and initials on another).**
3. **Your CASE NUMBER AND DIVISION must be written on all documents.**
4. **Complete the following forms and notarize the ones with a notary signature line:**
 - A. 12 Rules of Courtroom Civility - (does not need to be notarized)
 - B. Emergency Motion for Child Pick Up Order, Form 12.941(d)
 - C. Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (UCCJEA), Form 12.902(d)
 - D. Order to Pick Up Minor Children, Form 12.941(e) – only complete the heading (parties names and case number)

STEP TWO – Make copies

After you have completed the forms and have signed and notarized them, make 2 complete copies of everything you have signed (one copy is for your records). Copies can be obtained for a fee in the Court Business Center, on the 6th floor of the George Edgecomb Courthouse. You may also purchase copies for \$0.15 per page, before filing your case, from the Family Law Intake staff in room 101.

STEP THREE - Filing your motion

Take the original set of completed and signed forms to the clerk on the 1st floor of the main courthouse and pay the filing fee, if applicable.

The clerk will bring the file to the judge. You will be contacted by the Judicial Assistant either by phone or mail once the judge has reviewed your file.

STEP FOUR – Notifying the other party

1. If the judge signs the Order to Pick Up Minor Children, complete the following forms to notify the other party:
 - A) Summons, Form 12.910(a) - (Needs to be signed by the clerk, not by you. There is a charge for this.)
 - B) Process Service Memorandum, Form 12.910(b) - (does not need to be notarized)
2. Obtain a certified copy of the Order to Pick Up Minor Children from the clerk (there will be a fee)
3. Make 1 complete copy of the Order to Pick Up Minor Children, the Summons, and the Process Memorandum. Copies can be obtained for a fee in the Court Business Center, on the 6th floor of the George Edgecomb Courthouse.

4. Attach the Summons and the Process Service Memorandum to the original certified copy of the Order to Pick Up Minor Children. Take all of these documents to the sheriff or process server in the county where the other party is going to be served (where he/she lives or works). HILLSBOROUGH COUNTY: Hillsborough County Sheriff's Civil Process is located at 700 Twiggs Street on the 3rd floor (across the street from the main courthouse). A non-refundable fee is required (only cash, cashier's checks or money orders -- no personal checks). This fee will be waived if you have filed an Application for Civil Indigency and clerk has marked that you are indigent.

STEP FIVE – Scheduling the hearing

If the judge decides to schedule a hearing, the hearing date will either be written in the signed Order to Pick Up Minor Children or you will receive notification in the mail.

STEP SIX - The hearing

Normally the hearing is when the request in your motion will be decided.

HOW TO DRESS - Dress appropriately. No shorts, tank tops, or sandals. Do not chew gum.

WHAT TO BRING - All evidence you want the court to consider in deciding your motion.

WHAT TO EXPECT

The hearing will take place in a hearing room or a courtroom. You will not be in front of a jury, just the judge, general magistrate or child support enforcement hearing officer. Do not interrupt the judge, general magistrate or hearing officer.

Each court has at least one bailiff who is a deputy sheriff and is there to maintain order. When you arrive for your hearing, let the bailiff know that you are present and ready. He or she will announce your case when it is time for your hearing, and will tell you where to sit and where to place your belongings as you enter the hearing room. A bailiff will usually remain inside the room during your hearing. If witnesses are called, the bailiff will step out to bring the witness into the hearing room.

At your hearing, be prepared to discuss any issues covered in your motion and be able to provide proof of any disputed facts by presenting evidence. Evidence is proof presented at a hearing in the form of witnesses (people), exhibits (documents), and objects (things). Not all evidence can be considered by the court, however. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. Remember, the duty of establishing the facts that you want to present to the court is on YOU. You should provide the court with admissible evidence to support the claims in your motion and your statements in court. Telling your story may not be enough to have your motion granted.

Usually you will be notified of the court's decision at the hearing and the written order or recommended order will be mailed to you.

Family Forms and Packets - available for purchase at the Court Business Center

Form Packets with Instructions:

- 1) Complete packets with all forms and self-help instructions are priced individually and available at the Court Business Center (CBC), in Room 630 (6th Floor) of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida.
- 2) Free online at:
 - a) www.fjud13.org/SelfHelp.aspx → Access Forms
 - b) www.hillsclerk.com/About-Us/Forms → Family Law

Individual Forms (may not include necessary instructions):

- 1) For \$.10 per page at the Court Business Center (CBC), in Room 630 (6th Floor) of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida.
- 2) Free online at: www.flcourts.org → then click on “Family Law Forms”

YOU MAY FILE FORMS AT THE FOLLOWING LOCATIONS:

Tampa - George Edgecomb Courthouse – Main Location

Clerk of the Circuit Court, 800 E. Twiggs Street, Room 101, Tampa, FL 33602

Brandon – Brandon Regional Service Center

Clerk of the Circuit Court, 311 Pauls Drive, Suite 110, Brandon, FL 33511

Plant City – Plant City Courthouse

Clerk of the Circuit Court, 301 N. Michigan, Room 1071, Plant City, FL 33563

Ruskin/Sun City – SouthShore Regional Service Center

Clerk of the Circuit Court, 410 30th Street SE, Ruskin, FL 33570