

MOTION FOR TEMPORARY RELIEF

(Packet #38)

USE THIS PACKET IF:

- 1) YOU HAVE A PENDING/OPEN DISSOLUTION OF MARRIAGE (DIVORCE) CASE OR A PENDING/OPEN PATERNITY CASE, and
- 2) YOU WANT TO ASK THE COURT TO ENTER A TEMPORARY ORDER.

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 hours and information).

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>
<u>Motion for Temporary Support and Time-Sharing with Dependent or Minor Child(ren)</u> or <u>Motion for Temporary Support with No Dependent or Minor Child(ren)</u>	12.947(a) or 12.947(c)	Use if there are children in the case Use if there are no children in the case
<u>Temporary Relief Hearing Memorandum</u>	Memorandum	Required
<u>Notice of Hearing</u>	12.923	Use when a hearing date has been set
<u>Notice of Confidential Information Within Court Filing</u>	2.40(d)(2)	Use to notify the clerk of documents containing confidential information

FORMS <u>NOT INCLUDED</u> IN THIS PACKET THAT YOU MAY NEED (These forms will be in your Dissolution of Marriage or Paternity packet)	<u>FORM #</u>	<u>WHEN TO USE</u>
<u>Financial Affidavit - Short Form</u>	12.902(b)	Required if your income is less than \$50,000/yr
<u>Financial Affidavit - Long Form</u>	12.902(c)	Required if your income is more than \$50,000/yr
<u>Child Support Guidelines</u>	12.902(e)	Required if there are children in the case
<u>Notice of Social Security Number</u>	12.902(j)	Required
<u>Parenting Plan</u>	12.995 (a)	Required if there are children in the case (use this form if safety or supervised time-sharing IS NOT a concern)
<u>Supervised/Safety-Focused Parenting Plan</u>	12.995 (b)	Required if there are children in the case (use this form if safety or supervised time-sharing IS a concern)
<u>Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (UCCJEA)</u>	12.902(d)	Required if there are children in the case
<u>Motion to Deviate From Child Support Guidelines</u>	12.943	Use if you want the court to order more or less than the Child Support Guidelines worksheet indicates

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) Motion for Temporary Support -- form 12.947(a) or 12.947(c)
 - B) Temporary Relief Hearing Memorandum

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.

STEP FOUR – Notifying the other party

Mail, fax, or hand-deliver 1 set of copies of your documents to the other party.

STEP FIVE – Mediation

You are required to attempt mediation on the issues in your motion before your motion can be scheduled for a hearing. Call the Mediation and Diversion office at 813-272-5642 and ask them to schedule a mediation for temporary relief. If the other party does not contact the mediation department or the issue(s) cannot be resolved in mediation, a hearing on your motion can be scheduled.

STEP SIX – Preparing your case / gathering evidence (if your motion is not resolved in mediation)

If you schedule your motion for a hearing, you will need to be prepared to present evidence to the court which supports your position(s). Gathering evidence is called “discovery.” Discovery is governed by Florida Family Law Rules of Procedure 12.280 – 12.410 and Florida Rules of Civil Procedure 1.280 – 1.410.

Not all evidence can be considered by the court. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. The duty of establishing the facts that you want to present to the court, or the burden of proof, is on YOU. You should provide the court with admissible evidence to support the claims in your motion and your statements in court.

STEP SEVEN – Scheduling the hearing

1. If neither party has an attorney contact the Case Management Unit at 272-5173 to request a hearing with the judge.
2. If the other party is represented by an attorney:
 - A. Call the judicial assistant for the judge assigned to your case (see judicial directory at www.fljud13.org) and request 3 possible hearing dates for temporary relief.
 - B. Call the opposing attorney and ask which of those dates and times is best for him/her.
 - C. Call the J.A. and tell her which date and time you have chosen.
 - D. Complete a Notice of Hearing form with the place, date, and time of the hearing.
 - E. Sign the Notice of Hearing and complete the Certificate of Service part of the notice which states the date you are filing the notice and how you are providing a copy to the opposing attorney.
 - F. Make 3 copies of the Notice of Hearing.
 - G. File the original Notice of Hearing with the clerk.
 - H. Give a copy of the Notice of Hearing to the J.A., send a copy of the notice to the opposing party's attorney, and keep a copy of the notice for your records.

STEP EIGHT – 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 general magistrate or judge. Do not interrupt the magistrate or judge when he or she speaks. When speaking to the magistrate or judge, address him or her as "Your Honor" or "Judge."

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.fljud13.org/Portals/0/Forms/pdfs/family/packetList.pdf
 - b) www.hillsclerk.com/en/About-Us/Forms → then click on “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