

THIRTEENTH JUDICIAL CIRCUIT
FAMILY LAW DIVISION

MOTION TO CONTEST NOTICE OF DELINQUENCY AND IMPENDING JUDGMENT

(Packet #9)

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>General Information for Self-Represented Litigants</u>	Appendix C	For your information only
<u>12 Rules of Courtroom Civility</u>	12 Rules	Required to start
<u>Nonlawyer Disclosure</u>	12.900(a)	Required if someone who is not a lawyer helps you with the forms
<u>Motion to Contest Notice of Delinquency and Impending Judgment</u>	MCD	Required to start
<u>Notice of Hearing (Child Support Enforcement Hearing Officer)</u>	12.921	Use when a hearing date has been set
<u>General Magistrate / Hearing Officer Division Referral Assignment Table</u>	Table	To determine the General Magistrate / Hearing Officer assigned to your case
<u>Fee Schedule for Family Law Cases</u>	Fee	A schedule of fees for Family Law related cases
<u>Notice of Confidential Information Within Court Filing</u>	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. Motion to Contest Notice of Delinquency and Impending Judgment

STEP TWO – Make copies

After you have completed the forms and have signed and notarized them, make 3 complete copies of everything you have completed and 3 copies of the Notice of Delinquency (one copy is for your records). If your case involves the Department of Revenue, Office of Child Support Enforcement, make 2 extra sets of copies – 1 for the Office of Child Support Enforcement, and 1 for the Attorney General's office. 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.

Attach a copy of the Notice of Delinquency to each copy of your Motion to Contest Delinquency.

STEP THREE - Filing your motion

1. Take the *original* set of completed and signed forms (with Notice of Delinquency attached) to the clerk on the 1st floor of the main courthouse. **Ask the clerk to date-stamp each copy of your Motion.**
2. Take 1 copy of the motion (with Notice of Delinquency attached) to the Child Support Depository in Room 101 of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida 33602.

STEP FOUR – Notifying the other party

Mail, fax, or hand-deliver 1 set of copies of your documents to the other party. If your case involves the Department of Revenue, Office of Child Support Enforcement, mail 1 set of copies to each of the following addresses:

- 1) Department of Revenue, Office of Child Support Enforcement, 6302 E. Martin Luther King Jr. Blvd., Tampa, Florida 33619, and
- 2) Office of the Attorney General, Child Support Enforcement, P.O. Box 3342, St. Petersburg, Florida 33731-3342.

STEP FIVE – Preparing your case / gathering evidence

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 SIX – Scheduling the hearing

If the DEPARTMENT OF REVENUE - OFFICE OF CHILD SUPPORT ENFORCEMENT is involved in your case, follow these instructions to schedule a hearing on your motion:

1. Call the Child Support Enforcement office at 1-800-622-5437 and ask them to schedule a hearing on your motion (child support issues only). If you do not receive a hearing date within 30 days, call the Attorney General’s office at 727-825-7600 and ask them to schedule a hearing on your motion.
2. Once a hearing date has been scheduled, complete a Notice of Hearing, Form 12.921, with the place, date, and time of the hearing.
3. 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 other party and the Office of Child Support Enforcement.
4. Make 4 copies of the Notice of Hearing.
5. File the original Notice of Hearing with the clerk, send one copy of the notice to the other party, one copy to the Office of Child Support Enforcement, and one copy to the Attorney General’s office, and keep one copy for your records.

If the Department of Revenue – Office of Child Support Enforcement is NOT involved in your child support case, follow these instructions to schedule a hearing on your motion

1. Call the administrative assistant for the general magistrate assigned to your case and request a hearing date. The general magistrate/hearing officer assigned is determined by **the last two digits of your case number (see attached table)**.
 - If assigned to GM-1, call General Magistrate/Hearing Officer **Cuellar-Stilo** (Phone: 272-5351)
 - If assigned to GM-2, call General Magistrate/Hearing Officer **Johnson** (Phone: 276-2335)
 - If assigned to GM-3, call General Magistrate/Hearing Officer **Montagno** (Phone: 276-2337)
 - If assigned to GM-4, call General Magistrate/Hearing Officer **Sarmiento** (Phone: 272-6435)
 - If assigned to GM-5, call General Magistrate/Hearing Officer **Reeves** (Phone: 272-8565)
2. Once a hearing date has been scheduled, complete a Notice of Hearing, Form 12.923, with the place, date, and time of the hearing.
3. 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 other party.
4. Make 2 copies of the Notice of Hearing.
5. File the original Notice of Hearing with the clerk, send a copy of the notice to the other party, and keep a copy for your records.

STEP SEVEN – 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 child support enforcement hearing officer. Do not interrupt the 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.fljud13.org/Portals/0/Forms/pdfs/family/packetList.pdf
 - b) <http://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