

INSTRUCTIONS FOR FAMILY LAW VERIFIED MOTION FOR EMERGENCY RELIEF

When should this form be used?

This motion is to be used only as a last resort to avoid a genuine crisis directly affecting the welfare of a party or child. A UCCJEA form **must** be filed with this motion. Abuse of this motion may result in sanctions including contempt. The motion will be submitted under oath so be sure of your facts.

You may use this form to request that the court enter an order to grant emergency relief without a hearing or on an expedited basis. **This form should only be used in an emergency by a person who has a pre-existing legal right to physical possession of a minor child(ren).** This means that you already have a court order awarding you legal custody of or timesharing with the child(ren) OR you are married to the other parent OR you are the birth mother of the child(ren) born out of wedlock and no father appears on the minor child's birth certificate OR you are a father of the child(ren) born out of wedlock, your name appears on the minor child's birth certificate and more than 60 days have passed since you signed an affidavit acknowledging paternity pursuant to §742.10(1), Fla. Stat.

Emergency motions are rarely granted without a hearing and prior, reasonable notice being given to the other party and the other party being given an opportunity to also be heard.

As part of the motion you must certify, under oath, that a true emergency exists. A true emergency is either: A. a child is threatened with physical harm, or B. a child(ren) is about to be improperly removed from the State of Florida. Further, as part of the motion you must certify, under oath, that you have read the Standing Family Law Court Order prior to filing an emergency motion. If you are the Petitioner, the Clerk of Court provided you with a copy of the Standing Family Law Court Order at the time you filed the case. If you are a Respondent, you should have been served with the Standing Family Law Court Order along with the Petition. Or, you may obtain a copy of the Standing Family Law Court Order from the Clerk of the Court (copy charges may apply).

If a child(ren) is being abused, abandoned or neglected you must report this information to the Department of Children and Families at 1-800-962-2873.

What should I do next?

If the Court enters an order without advance notice to the other party, because a true emergency exists, you should obtain a certified copy of the order and take it to the sheriff's office for further assistance in serving the order on the other party. **You must have your motion and the court's order served by personal service on the other party.** You should read the court's order carefully.

ATTACHMENT "C"

The order may require the sheriff to place the child(ren) somewhere other than in your physical possession. Look for directions in the order that apply to you and note the time and place of the hearing scheduled in the order. You should attend the hearing with the evidence you have to support your motion.

If the court does not enter an order without advance notice being provided to the other party, you should check with the Clerk of Court, judicial assistant or Family Court Case Manager for information on the local procedure for scheduling a hearing on your motion, unless the court sets a hearing in its order denying your request for an *ex parte* order.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration 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 General Practice and 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.**

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 FIFTH JUDICIAL CIRCUIT, IN AND FOR
HERNANDO COUNTY, FLORIDA

Case No: _____

Division: _____

Petitioner,

and

Respondent.

**VERIFIED MOTION FOR EMERGENCY RELIEF IN ACTIONS INVOLVING MINOR
CHILD(REN)**

___ Petitioner ___ Respondent requests that the Court grant the relief sought in this Verified Motion for Emergency Relief.

1. **I HEREBY CERTIFY THAT I HAVE READ THE STANDING FAMILY LAW COURT ORDER, especially the paragraph on "Emergency Motions," before filing this Verified Motion for Emergency Relief.**
2. I am filing this motion in good faith.
3. The grounds or basis for the relief I seek is as follows: (Select all that
a. ___ There is an imminent risk of physical harm to a minor child(ren). You must provide a detailed explanation.

___ Please indicate here if you are attaching additional pages to continue these facts.

- b. ___ There is an imminent risk the minor child(ren) is about to be improperly removed from the State of Florida. You must provide a detailed explanation.

___ Please indicate here if you are attaching additional pages to continue these facts.

4. The Petitioner is a parent of the minor child(ren).
___ The Petitioner is the mother of the minor child(ren);
___ The Petitioner is the father of the minor child(ren); or
___ Neither, please explain: _____

5. The Respondent is a parent of the minor child(ren).
___ The Respondent is the mother of the minor child(ren);
___ The Respondent is the father of the minor child(ren); or
___ Neither, please explain: _____

6. The minor child(ren) are:

Name(s)	Date(s) of birth
_____	_____
_____	_____
_____	_____
_____	_____

7. The Petitioner lives at the following address (provide street address, city, state and zip code):

The Petitioner's email address is:

The Petitioner's phone number is:

If you request that your address be confidential for safety reasons, you may complete and file a Request for Confidential Filing of Address (Florida Supreme Court Approved Form 12.980(h)) and write "confidential" in the space provided above for your address, email and/or telephone number.

8. The Respondent lives at the following address (provide street address, city, state and zip code):

The Respondent's email address is: _____

9. Paternity of the minor child(ren) named herein above has been established as follows:

- ___ The minor child(ren) was/were born of the marriage between the Petitioner and the Respondent.
- ___ The mother was unmarried at the time of conception of the child(ren) and paternity was established by order entered on (date) _____, in the (name of court) _____ case _____

number)

A COPY OF THE ORDER SHALL BE

ATTACHED TO THIS MOTION.

- c. ___ The mother was unmarried at the time of conception AND the father/other party executed a voluntary acknowledgement of paternity (DH Form 432) and 60 days has passed since the voluntary acknowledgment was signed by the father/other party. **A COPY OF THE MINOR CHILD(REN)'S BIRTH CERTIFICATE(S) MUST BE ATTACHED TO THIS MOTION.**

10. Status of the minor child(ren):

- a. ___ A final judgment or order awarding timesharing with the minor child(ren) has been entered in the following case: Case number: _____ in the (name of court) _____ and the judgment or order has NOT been modified. **A COPY OF THE FINAL JUDGMENT OR ORDER MUST BE ATTACHED TO THIS MOTION.**
- b. ___ A final judgment or order modifying and awarding timesharing with the minor child(ren) has been entered in the following case: Case number: _____ in the (name of court) _____ and the judgment or order HAS been modified. **A COPY OF THE SUPPLEMENTAL JUDGMENT OR ORDER MODIFYING TIMESHARING MUST BE ATTACHED TO THIS MOTION.**
- c. ___ NO timesharing or custody order has been entered.

11. The minor child(ren) is/are currently in the care of

The minor child(ren) is/are currently located at the following address, if known:

12. The person filing this motion is requesting that the Court grant the following timesharing schedule on an emergency basis:

13. A completed Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit (Florida Supreme Court Approved Family Law Form 12.902(d) **is filed with this Motion.**

14. ___ The following efforts have been made to provide notice of the filing of this motion to the other party:

OR

____ Advance notice of the filing of this motion should not be required for a hearing on this motion because Immediate or irreparable harm to the child(ren) would occur. Please provide specific facts to support your position:

WHEREFORE, the undersigned respectfully requests the Court take the following emergency action:

- a. ____ grant temporary relief requested in this motion until a hearing can be set on the merits of this motion.
- b. ____ That a date and time be set for a hearing on the merits of this Verified motion.
- c. ____ Any and all other relief deemed just and appropriate and in the best interests of the minor child(ren).

I certify that a copy of this document was () e-filed () mailed () faxed () 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: _____]

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS VERIFIED MOTION ARE BEING MADE UNDER PENALTIES OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

Dated: _____

Signature of Party or his/her attorney
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____

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} _____