

Supreme Court of Florida

No. SC10-1947

IN RE: AMENDMENTS TO THE FLORIDA SUPREME COURT APPROVED FAMILY LAW FORMS.

[August 25, 2011]

PER CURIAM.

Previously in this case, on December 2, 2010, the Court adopted new form 12.962, Writ of Bodily Attachment (Child Support), and other revisions to the Florida Supreme Court Approved Family Law Forms, and a post-adoption comment period was provided. See In re Amendments to the Florida Supreme Court Approved Family Law Forms, 50 So. 3d 595, 596 (Fla. 2010).¹ One comment was filed with regard to form 12.962. No comments were filed as to the other revisions.

Upon consideration of the comment and with input from the Court's Advisory Workgroup on Supreme Court Approved Family Law Forms, we make

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.

several revisions to form 12.962. The component of the purge amount identified in the form as “unpaid support” is revised to read “to be applied to unpaid support,” and a component identified as “other” is added. Additionally, the option in the form for remitting a purge payment to the State Disbursement Unit is removed. Other minor editorial revisions are also made.

Accordingly, form 12.962, Writ of Bodily Attachment (Child Support), is hereby amended as shown in the appendix to this opinion, fully engrossed and ready for use. The form also can be accessed and downloaded from the Florida State Courts website at www.flcourts.org/gen_public/family/forms_rules/index.shtml. By adoption of the form, we express no opinion as to its correctness or applicability. The amendments to the form shall become effective immediately upon the release of this opinion.

It is so ordered.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, POLSTON, LABARGA, and PERRY, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – The Florida Supreme Court Family Law Rules

Susan Proctor, Office of Court Improvement, Tallahassee, Florida,

for Petitioner

Joan K. Koch, Chief Legal Counsel, Florida Department of Revenue, Child Support Enforcement Program, Tallahassee, Florida,

Responding with comments

APPENDIX

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No: _____

Division: _____

_____,
Petitioner,

and

_____,
Respondent.

WRIT OF BODILY ATTACHMENT (Child Support)

TO ALL AND SINGULAR SHERIFFS AND OTHER AUTHORIZED LAW ENFORCEMENT PERSONNEL OF
THE STATE OF FLORIDA

YOU ARE ORDERED to take into custody _____
(see attached Description Sheet) and confine him/her in the county jail. The individual failed to
appear before the court as ordered, failed to appear at a properly noticed hearing, and/or
failed to comply with the previous order of the court which is attached and incorporated
herein.

**Service of this writ may be made on any day of the week and any time of the night or day,
including Sunday and holidays.**

YOU ARE FURTHER DIRECTED to bring this person before the court within 48 hours of execution
of the writ for a hearing to determine the individual's present ability to pay support and, if so,
whether the failure to pay such support is willful, pursuant to Rule 12.615(c)(2)(B), Florida
Family Law Rules of Procedure.

NOTICE OF EXECUTION OF THIS WRIT SHALL IMMEDIATELY BE GIVEN TO THE FOLLOWING:
[choose all that apply]

_____ The Office of the Judge/General Magistrate/Child Support Hearing Officer :

_____ Counsel for the Department of Revenue:

_____ Department of Revenue:

____ Other: _____

IT IS FURTHER ORDERED that the individual may purge this contempt and be immediately released from custody at any time by the payment of the sum of \$ _____, which includes (if applicable):

\$ _____, to be applied to unpaid support,
\$ _____, Sheriff's fee,
\$ _____, Department of Revenue costs.
\$ _____, other

The court previously found in this proceeding that the individual had the ability to pay said sum. The Sheriff, or other authorized law enforcement personnel, executing this writ or having custody of the individual is authorized to assess and collect the actual costs associated with service of this writ and transportation of the individual pursuant to Section 61.11(2)(a), Florida Statutes.

PAYMENT SHALL BE MADE to the Sheriff of _____ County, Florida and shall be in the form of cash, cashier's check, certified funds, or money order. The purge payment, clearly marked with the individual's name and case number, and denoted as a purge payment shall be remitted to:

[choose all that apply]:

____ The Office of the Clerk of Circuit Court for _____, County, _____

____ Other _____.

The Sheriff's office, or other authorized law enforcement personnel's office, receiving payment shall provide the individual with a written receipt acknowledging payment. The receipt must be carried by the individual for a period of at least 30 days as proof of payment.

If the individual pays the purge and secures his/her release, the Sheriff shall immediately notify:

_____.

THIS ORDER SUPERSEDES ALL PRIOR CONFLICTING ORDERS.

DONE AND ORDERED in _____ County, Florida this _____ day of _____, 20____.

CIRCUIT JUDGE

Copies furnished to:

DESCRIPTION SHEET

NAME: _____ DATE OF BIRTH: _____

OTHER NAMES THE INDIVIDUAL GOES BY (ALIASES OR NICKNAMES): _____

ADDRESS: _____

ALTERNATE ADDRESS: _____

TELEPHONE: _____ ALTERNATE PHONE: _____

SOCIAL SECURITY NUMBER: _____ GENDER: _____ RACE: _____

HEIGHT: _____ WEIGHT: _____ EYE COLOR: _____

HAIR COLOR, LENGTH, STYLE: _____

DISTINGUISHING MARKS, SCARS, TATTOOS: _____

OTHER CHARACTERISTICS: _____

EMPLOYER: _____ EMPLOYER PHONE: _____

EMPLOYER ADDRESS: _____

VEHICLE (MAKE/MODEL): _____

FLORIDA DRIVER'S LICENSE NUMBER: _____

Please use the space below for any additional information you would like to provide.
