IN THE CIRCUIT COURT OF THE

NINTH JUDICIAL CIRCUIT, IN AND

FOR ORANGE COUNTY, FLORIDA

CASE NO: case

DIVISION: 38

name,

Petitioner,

-vs-

name,

Respondent.

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**ORDER AHEAD OF HEARING ON MOTION FOR CONTEMPT AND ENFORCEMENT**

**THIS CAUSE** having come for consideration in Chambers and the Court having reviewed the pleadings and the court file:

It is ordered:

1. A hearing is being scheduled on the pending Motion for Contempt, alleging willful failure to follow orders related to payment of financial obligations.

2. The Parties are hereby on notice that the Court, upon finding of willful contempt and present ability to pay, may utilize coercive incarceration in order to enforce its Orders. In other words, if full payment has not been made and the presumption of ability to pay is not overcome – the Court may incarcerate a litigant immediately pending payment of the purge the Court deems appropriate under the law.

3. Within 7 days a verified response to the Motion for Contempt shall be filed. It shall be detailed and include the date of any compliance with prior Orders and the Final Judgment.

4. Within 15 days, the shall provide the ’s counsel with a complete copy of their 2020, 2021 and 2022 tax returns and W2s/1099s. In addition they shall provide current paystub or income statements and the last 12 months of all bank statements and credit card accounts. This is whether those accounts are titled solely or jointly. Within 15 days a complete and accurate Financial Affidavit shall be filed.

5. An Affidavit of Fees will be filed 10 days prior to hearing and within 5 days of that filing, any objection as to reasonableness will be filed.

6. Failure to follow this Order substantially and provide all documentation that would be needed to assess ability to pay will result in the Court deeming admitted the presumption of ability to pay to be unrebutted and that there is admission as to the ability to pay all outstanding amounts.

7. Both Parties shall file a Designation of Email with the Clerk within 15 days.

8. The Notice for Hearing shall include the required language pursuant to Florida Family Law Rule of Procedure 12.615.

““FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD.” If the moving party is not going to be bringing a Court Reporter, the following should be added: “The Court will not be providing a court reporter at this hearing.”

9. If the fails to appear at the hearing being scheduled on the Motion for Contempt, the Court will issue a writ of bodily attachment. They will be required to appear in person at this hearing. This should also be reflected in the Notice of Hearing.

10. If the Court remands to jail or issues a writ of bodily attachment leading to incarceration, an initial review hearing will take place within 48 hours. If the Court finds a continuing ability to pay, it will continue the incarceration until the purge is paid, and may or may not provide further review hearings.

**DONE AND ORDERED** at Orlando, Florida on this date created.

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Judge Diana M. Tennis

Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Order was filed with the Clerk of the Court by using the Florida Courts E-Filing Portal System.  A copy is being served on all attorney(s) and parties identified on the ePortal Electronic Service List, via Notices of Electronic Filing generated by the ePortal System. This Order has been furnished to parties via their attorney of record, and, if none, then by Regular U.S. Mail to the addresses below on this date created.

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| --- | --- |
| Party  Party  Atty  Atty | Via counsel  Via Counsel  Via E-Portal  Via E-Portal |

Elizabeth Diaz, Judicial Assistant to Judge Diana Tennis