

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.941(d)
EMERGENCY VERIFIED MOTION FOR CHILD PICK-UP ORDER (11/15)**

When should this form be used?

You may use this form to request that the court enter an order directing the sheriff or other law enforcement officer to take a minor child(ren) from the person who currently has physical possession of the child(ren) and deliver the child(ren) to your physical custody or possession. **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.** This means that you already have a court order awarding you legal custody of or time-sharing with the child(ren) **OR** you are the birth mother of one or more children born out of wedlock and no court order has addressed any other person's parental rights. Before proceeding, you should read **General Information for Self-Represented Litigants** found at the beginning of these forms.

This form should be typed or printed in black ink. This form presumes that you want the court to enter an ex parte order without giving the other side advance notice of the hearing. You should explain your reasons for why such an ex parte order should be entered in paragraph 7 of this form. After completing this form, you should sign the form before a notary public or deputy clerk. You should file the original, along with all of the other forms required, with the clerk of the circuit court in the county where the child(ren) is (are) physically located and keep a copy for your records. You should also ask the clerk to process your motion through their emergency procedures.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of Judicial Administration now 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 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.**

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. You must strictly comply with the format requirements set forth in the Rules of Judicial Administration. If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you must review Florida Rule of Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the Designation of Current Mailing and E-mail Address, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please CAREFULLY read the rules and instructions for: Certificate of Service (General), Florida Supreme Court Approved Family Law Form 12.914; Designation of Current Mailing and E-mail Address, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

What should I do next?

If the court enters an order without advance notice to the other party, you should take a certified copy of the order to the sheriff's office for further assistance. You must have this form and the court's order served by **personal service** on the other party. You should read the court's order carefully. 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 go to the hearing with whatever evidence you have regarding your motion.

If the court will not enter an order without advance notice to the other side, you should check with the clerk of court, **judicial assistant**, or **family law intake staff** 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** hearing. When you know the date and time of your hearing, you should file **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, and use personal service to notify the other party of your motion, the court's order, if any, and the hearing.

Special notes...

With this form you must also file the following:

- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).
- A **certified copy** of the court order showing that you have legal custody of or time-sharing with the child(ren), if any.
- **OR**
- A **certified copy** of the child(ren)'s birth certificate(s), if you are the birth mother of a child born out of wedlock and no court order addressing paternity exists.
- **OR**
- A **certified copy** of any judgment establishing paternity, time-sharing with or custody of the minor child(ren).

Order These family law forms contain an **Order to Pick-Up Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.941(e), which the judge may use. You should check with the clerk, family law intake staff, or judicial assistant to see if you need to bring a blank order form with you to the hearing. If so, you should type or print the heading, including the circuit, county, case number, division, and the parties' names, and leave the rest blank for the judge to complete at your hearing.

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.

Instructions for Florida Supreme Court Approved Family Law Form 12.941(d), Emergency Verified Motion for Child Pick-Up Order (11/15)

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

Case No.: _____

Division: _____

_____,
Petitioner,

and

_____,
Respondent,

EMERGENCY VERIFIED MOTION FOR CHILD PICK-UP ORDER

I, {full legal name} _____ being sworn,
certify that the following information is true:

1. This is a motion to enforce existing custody or time -sharing rights (as an operation of law or court-ordered) regarding the following minor child(ren):

Name	Sex	Birth Date	Race	Physical Description
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. Currently, the child(ren) subject to this motion is (are) in the physical possession of
{full legal name} _____
whose address or present physical location is: _____

This individual's relationship to the minor child(ren) is: _____

3. I _____ am _____ am not married to the person named in paragraph 2.

4. **Status of minor child(ren).** I have a superior right to custody of or time-sharing with the minor child(ren) over the person named in paragraph 2 because:

{Indicate **all** that apply}:

- a. _____ **Custody or Time-Sharing has been established by a court.**

A final judgment or order awarding custody of or time-sharing with the minor child(ren) was made on {date} _____ in {name of court} _____
{case number} _____. This order awarded custody of or specific time-sharing with the minor child(ren) to me. This final judgment or order applies to the following minor child(ren): {list name(s) of the child(ren) or write all}

A certified copy of said final judgment or order is attached, has not been modified, and is still in effect. *{Indicate if applicable}* _____. This order is an out-of-state court order which is entitled to full faith and credit enforcement under the Uniform Child Custody Jurisdiction and Enforcement Act and/or the federal Parental Kidnaping Prevention Act.

b. _____ **Custody or time-sharing is established as an operation of law.** I am the birth mother of the minor child(ren) who was (were) born out of wedlock and there is no final judgment or order awarding custody of or time-sharing with the following minor child(ren): *{list name(s) of the child(ren) or write all}*

1. _____ **Paternity has NOT been established.** A certified copy of the minor child(ren)'s birth certificate is attached and has not been amended.
2. _____ **Paternity has been established.** A certified copy of the final judgment of paternity, which shows no award of custody or time-sharing was made, is attached. This order has not been changed and is still in effect.

c. _____ Other: _____

5. 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.

6. **Facts relating to the minor child(ren)'s current situation.**

*{Indicate **all** that apply}*

a. _____ The person named in paragraph 2 wrongfully removed or wrongfully detained the minor child(ren) on *{date}* _____ as follows: _____

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

b. _____ I believe that the minor child(ren) is (are) in immediate danger of harm or removal from this court's jurisdiction while with the person named in paragraph 2 based on the following: _____

c. _____ The current location of the minor child(ren) is: *{choose only one}* () unknown () believed to be at the following address(es) with the following people *{list both the address and the people you believe will be there}*: _____

7. Advance notice of this motion to the individual named in paragraph 2 should **not** be required because: _____

8. If needed, I can be contacted for notice of an emergency or expedited hearing at the following addresses/locations: _____
Name of Contact Person: _____
Address: _____
Telephone number(s) where I (or my designee) can be reached: {give name of individual to call} _____
Name of Contact Person: _____
Address: _____
Telephone number(s) where I (or my designee) can be reached: {give name of individual to call} _____

9. **Attorneys' Fees, Costs, and Suit Monies.**

[Indicate if applicable]

_____ I have filed this motion because of wrongful acts of the person listed in paragraph 2 above. I request that this Court award reasonable attorney's fees, costs, and suit monies as applicable or authorized under Florida law, the UCCJEA, and other legal authorities.

WHEREFORE, I request an Emergency Order to Pick-Up Minor Child(ren), without advance notice, directing all sheriffs of the State of Florida or other authorized law enforcement officers in this state or any other state to pick up the previously named minor child(ren) and deliver them to my physical custody.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Party

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

Designated E-mail Address(es): _____

STATE OF FLORIDA

COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or clerk.]

_____ Personally known

_____ Produced identification

Type of identification produced _____.

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} _____.

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

Case No.: _____

Division: _____

Petitioner,

and

Respondent.

ORDER TO PICK-UP MINOR CHILD(REN)

An Emergency Verified Motion for Child Pick-Up Order has been filed by ____ Petitioner
____ Respondent, alleging facts which under existing law are determined to be sufficient to authorize
taking into custody the minor child(ren) named below. Based on this motion, this Court makes the
following findings, notices, and conclusions:

JURISDICTION

This Court has jurisdiction over issues surrounding the minor child(ren) listed below based on the
following:

*{Choose **all** that apply}*

- a. ____ This Court exercised and continues to exercise original jurisdiction over the minor children
listed below under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA),
specifically, section 61.514, Florida Statutes.
- b. ____ A certified out-of-state custody decree has been presented to this Court with a request for
full faith and credit recognition and enforcement under the Parental Kidnapping Prevention Act,
28 U.S.C. Section 1738A. This Court has jurisdiction to enforce this decree under the UCCJEA,
specifically sections 61.501-61.542, Florida Statutes.
- c. ____ By operation of Florida law governing the custody of or time-sharing with child(ren) born
out of wedlock, this Court has jurisdiction over the child(ren) listed below because this (these)
child(ren) was (were) born in the State of Florida and no prior court action involving the minor
child(ren) has addressed a putative father's rights to time-sharing or other parental rights. See
sections 742.031 and 744.301, Florida Statutes.
- d. ____ Pursuant to the UCCJEA, specifically section 61.516, Florida Statutes, this Court has
jurisdiction to modify a custody decree of another state and has consulted with the Court which
took initial jurisdiction over the minor child(ren) to determine this authority.
- e. ____ Other: _____

NOTICE OF HEARING

Because this Order to Pick-Up Minor Child(ren) has been issued without prior notice to the non-movant {name} _____, all parties involved in this matter are informed that they are scheduled to appear and testify at a hearing regarding this matter on {date} _____, at {time} _____, at which time the Court will consider whether the Court should issue a further order in this case, and whether other things should be ordered, including who should pay the filing fees and costs. The hearing will be before The Honorable {name} _____ at {room name/number, location, address, city} _____, Florida.

If a party does not appear, this order may be continued in force, extended, or dismissed, and/or additional orders may be issued, including the imposition of court costs.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact:

{identify applicable court personnel by name, address, and telephone number}
at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

ORDER

This Court **ORDERS AND DIRECTS** any and all sheriffs of the State of Florida (or any other authorized law enforcement officer in this state or in any other state) to immediately take into custody the minor child(ren) identified below from anyone who has possession and:

1. _____ **Place the minor child(ren) in the physical custody of {name} _____**
who () may () may not remove the minor child(ren) from the jurisdiction of this Court.

OR

_____ **Accompany the minor child(ren) to the undersigned judge, if the minor child(ren) is (are) picked up during court hours, for immediate hearing on the issue of custody or time-sharing.** It is the intention of this Court that the nonmoving party, minor child(ren), and movant appear immediately upon service of this order before the undersigned judge, if available, or duty judge to conduct a hearing as to which party is entitled to lawful custody of the minor child(ren) at issue. It is not the intention of the court to turn over the child(ren) to the movant on an ex parte basis. Neither party should be permitted to remove the child(ren) from the jurisdiction of this Court pending a hearing. If unable to accomplish the above, the sheriff/officer shall take the child(ren) into custody and place them with the Department of Children and Family Services of the State of Florida pending an expedited hearing herein.

OR

_____ **Place the minor child(ren) in the physical custody of {agency} _____**

who shall contact the undersigned judge for an expedited hearing. The sheriff/officer shall not delay the execution of this court order for any reason or permit the situation to arise where the nonmoving party is allowed to remove the child(ren) from the jurisdiction of this court.

2. **NEITHER PARTY OR ANYONE AT THEIR DIRECTION, EXCEPT PURSUANT TO THIS ORDER, MAY REMOVE THE CHILD(REN) FROM THE JURISDICTION OF THIS COURT PENDING FURTHER HEARING. SHOULD THE NONMOVING PARTY IN ANY WAY VIOLATE THE MANDATES OF THIS ORDER IN THE PRESENCE OF THE LAW ENFORCEMENT OFFICER, THIS OFFICER IS TO IMMEDIATELY ARREST AND INCARCERATE THE OFFENDING PARTY UNTIL SUCH TIME AS THE OFFENDING PARTY MAY BE BROUGHT BEFORE THIS COURT FOR FURTHER PROCEEDINGS.**

All sheriffs of the State for Florida are authorized and ORDERED to serve (and/or execute) and enforce this order in the daytime or in the nighttime and any day of the week, except as limited by this order above.

Except as limited by the above, if necessary, the sheriff/officer is authorized to take all reasonable, necessary, and appropriate measures to effectuate this order. The sheriff/officer shall not delay the execution of this order for any reason or permit the situation to arise where the child(ren) is (are) removed from the jurisdiction of this Court before execution of this order.

The minor child(ren) is (are) identified as follows:

Name	Sex	Birth date	Race	Physical Description

Current location/address of minor child(ren) or of party believed to have possession of the minor child(ren): _____

DONE AND ORDERED on at _____, Florida {date} _____.

CIRCUIT JUDGE

I certify that a copy of the *{name of document(s)}* _____
was () mailed () faxed and mailed () e-mailed () hand-delivered to the parties listed below on
*{date}*_____.

by _____.
{clerk of the court or designee}

Petitioner (or his or her attorney)
Respondent (or his or her attorney)