

Temporary Relief Motions, Emergency Motions, other Evidentiary Motions

For procedures regarding temporary relief motions, emergency motions, and other evidentiary motions, please read [Administrative Order 2007- 13 Unified Family Court, Part VI, D -G](#):

The basic procedures are:

- a. Counsel must personally speak with opposing counsel first.
- b. Mediation is required before a lengthy hearing whenever possible.
- c. Movant must provide a copy of the motion to court and opposing counsel/party.
- d. The court will review and may a set hearing.
- e. Moving party shall provide the notice of hearing.
- f. Motions to modify post-judgment parenting and child support will be referred to the magistrate unless it is a true emergency.

NOTE:

An emergency motion must recite sufficient facts to show a true emergency "...where, for example, a child is threatened with physical harm or is about to be improperly removed from the state." *Gielchinsky v. Gielchinsky*, 662 So.2d 732 (Fla. 4th DCA, 1995).

An ex-parte motion and order require the same things as a temporary injunction. Rule 1.610; *Smith v. Crider*, 932 So.2d 393 (Fla. 4th DCA, 2006). A full hearing after notice must be given ASAP.

A post-judgment motion for temporary change of custody requires proof of change in the circumstances, and that the best interest of the child requires immediate relief. *Kendall v. Kendall*, 832 So.2d 878 (Fla. 4th DCA, 2002); *Bon v. Rivera*, 10 So.3d 193 (Fla. 4th DCA, 2009).