

SUPREME COURT OF FLORIDA

In re Amendments to the Supreme Court Approved Family Law Forms

50 So. 3d 595 (Fla. 2010) · No. SC10-1947 · Decided December 2, 2010

SUMMARY

The Supreme Court of Florida adopted a new standard form for a writ of bodily attachment related to court-ordered child support obligations and amended family law forms concerning military service. The court made the forms effective for immediate use and invited public comments within sixty days. The appendix contains the amended military-service forms and the new writ-of-bodily-attachment form.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Canady, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Polston, J.; Labarga, J.; Perry, J.
JURISDICTION	Florida
DECIDED	December 2, 2010
DOCKET	SC10-1947
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida conducted an internal review of the Florida Supreme Court Approved Family Law Forms and exercised its rulemaking and supervisory authority to adopt one new form and amend two existing forms.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion adopting approved family law forms; precedential as to the court's adoption order and effective-use directives.

TOPICS

- family law procedure
- family law
- servicemembers civil relief act
- military law
- child support

PRACTICE AREAS

- family law
- military law
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt a new standard form for a writ of bodily attachment in connection with a court-ordered support obligation.
2. Whether the court should amend Florida Supreme Court Approved Family Law Forms 12.912(a) and 12.912(b) concerning verification and affidavits of military service.
3. Whether the new and amended forms should be adopted for immediate use and published for public comment.

HOLDINGS

1. The court adopted Florida Supreme Court Approved Family Law Form 12.962, Writ of Bodily Attachment, for use in proceedings involving court-ordered support obligations.
2. The court adopted amendments to Florida Supreme Court Approved Family Law Forms 12.912(a) and 12.912(b), updating military-service references, contact information, instructions, and form language.
3. The new and amended forms were adopted as set forth in the appendix and made effective for immediate use, subject to publication for public comment.

KEY QUOTATIONS

“The new and amended forms are adopted as set forth in the appendix to this opinion, fully engrossed, effective for immediate use.” (596)

“By adoption of the new and amended forms, we express no opinion as to their correctness or applicability.” (596)

FACTUAL BACKGROUND

This matter did not arise from a dispute between private litigants. The court reviewed existing Florida Supreme Court Approved Family Law Forms and determined that a standard writ of bodily attachment form was needed for court-ordered support obligations. It also determined that forms concerning military-service status required updates to contact information, explanatory language, and references to the Servicemembers Civil Relief Act.

PROCEDURAL HISTORY

The court internally reviewed the approved family law forms pursuant to procedures previously adopted by the court. After receiving input from the Advisory Workgroup on the Florida Supreme Court Approved Family Law Forms, the court adopted new form 12.962 and amended forms 12.912(a) and 12.912(b), effective immediately, while directing that the forms be published for public comment.

DISPOSITION

approved

CASES CITED

- Amendments to the Florida Family Law Rules of Procedure & Family Law Forms, 810 So. 2d 1, 14 (Fla. 2000)

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