

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA

A. G. C.,
Father and Respondent in this indirect criminal contempt proceeding,

vs.
C. L. S.,
Mother,

Case No. 00 DR 000 N

Respondent's Name: A. G. C.
Address: (Address omitted)

**ORDER TO SHOW CAUSE UNDER CRIMINAL RULE 3.840(a) AND
ORDER FOR ARRAIGNMENT**

for violation of a court order to pay child support

This case came before the court for a hearing on 10/24/2011 on the mother's motion for contempt filed 10/4/2011. The court's findings from that hearing are contained in the "Order on Mother's Three Motions" dated today. From the sworn testimony of the father and the mother and the documents in evidence, the court finds:

The respondent is in arrears in his child support obligation. The arrearage is \$15,616.12 as of 10/24/2011. The amount due currently is \$300 per month or \$69.23 per week. This is the amount due beginning 5/4/2011, per an "Advancement Sheet" agreed between the parties and filed on 5/5/2011. The court adopted this temporary agreement as the order of the court. The parties' mediated agreement of 6/21/2011 ratified this temporary agreement and permanently set the child support at \$300 per month. The court adopted this permanent agreement as the order of the court. Before 5/4/2011 the amount due was \$452 per month or \$104.38 per week, from 7/1/2009 to 5/3/2011. The respondent did not pay any child support payment at all to the depository between 8/4/2010 and 6/29/2011. The respondent is presumed able to pay the monthly installments owed each and every month as ordered.

The respondent is presumed able to pay the child support ordered, F.S. §61.14(5) and *Bowen v. Bowen*, 471 So.2d 1274 (Fla. 1985), currently and as it accrued in the past. The court finds the evidence supports a finding of probable cause that the respondent willfully violated the court order to pay child support and that he may be in contempt of court because he did not pay child support for at least one monthly period in the past, as ordered, even though he had the ability to pay it for that prior monthly period.

THEREFORE, the above named respondent is hereby **ORDERED** to appear before the undersigned judge, at .m., on _____, _____, _____, in Courtroom 4-I at the Lee County Justice Center Complex, 1700 Monroe Street, Fort Myers, Florida 33901, to show cause why he should not be held in indirect criminal contempt of this court for his willful violation of a court order by failing to pay child support as ordered.

This Order begins a criminal contempt proceeding under Rule 3.840 against the respondent. The respondent may be fined or sentenced to jail if found guilty of criminal contempt in this proceeding. Failure of respondent to appear at this hearing on the date and at the time and place indicated above or at any hearing in this criminal contempt proceeding may result in the signing of an arrest warrant for the respondent's arrest to be brought before the court.

The hearing set above is the arraignment hearing in this proceeding so the respondent will be arraigned at this hearing, to plead guilty, not guilty, or no contest to the charge. If the respondent pleads not guilty to the charge of indirect criminal contempt for nonpayment of child support, a trial will be scheduled by separate order for the respondent to show cause as ordered.

If the respondent cannot afford to hire an attorney to represent him in this criminal contempt proceeding, he must file an affidavit with the clerk of court as required by law and the clerk must determine the respondent's indigency, as required by law. If the respondent is found to be indigent by the clerk, the court will appoint an attorney to represent the respondent.

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 Court Operations Manager, whose office is located at Lee County Justice Center Complex, 1700 Monroe Street, Fort Myers, Florida, 33901; telephone number (239) 533-1700, within 2 working days of your receipt of this document. If you are hearing or voice impaired, call 711.

ORDERED at Fort Myers, Lee County, Florida, this _____ day of _____, _____.

R. Thomas Corbin, Circuit Judge, Division N
1700 Monroe Street, Fort Myers, Florida 33901
(239) 533-2500

CLERK’S CERTIFICATE OF SERVICE

I CERTIFY a copy of this Order was furnished by U.S. mail or courthouse box this date to:

- (1) Mother, c/o , Esq., by U.S. mail or delivery to courthouse box;
- (2) Father and Respondent in this indirect criminal contempt proceeding at the address above by U.S. mail;
- (3) Two (2) certified copies to the Office of the Sheriff of Lee County, Florida. **The Sheriff of Lee County or any of his deputies is hereby ordered to personally serve one certified copy of this order on the Father and Respondent as soon as possible.** One certified copy is for personal service on the Father and Respondent and the other certified copy is for the deputy’s return of service to this court file, Attn: Charlie Green, Clerk of Court, 1700 Monroe Street, Fort Myers, Florida 33901. The deputy’s return of service to this court file shall state whether personal service on the Father and Respondent was or was not made according to law in Lee County, Florida.

CHARLIE GREEN, Clerk of Court

By Deputy Clerk _____
1700 Monroe Street
Fort Myers, Florida 33901