

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

XXX,
Petitioner & wife,

vs.

Case No. 0 DR 0 N

YYY,
Respondent & husband,

Respondent:
Respondent's address: (Address omitted)

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

for violation of a court order

This case came before the court today on the court's own motion, and the court **finds based on testimony at a hearing held on DDD:**

The husband has not paid any child support since the temporary support order was entered on DDD, except for \$X sent to the depository a few days before DDD.

The respondent is presumed able to pay the child support ordered, F.S. §61.14(5) and *Bowen v. Bowen*, 471 So.2d 1274, 1278 (Fla. 1985), currently and as it accrued in the past. The court finds the evidence supports a finding of probable cause that the respondent has 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 month in the past, as ordered, even though he had the ability to pay it for that prior month.

THEREFORE, the above named respondent is hereby ORDERED to appear before the undersigned judge, on Monday, September 20, 2010 at 3:00 p.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.

Unless arraigned sooner, the respondent will be arraigned at this hearing, to plead guilty, not guilty, or no contest, and 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. 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 Ken Kellum 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

Copies to:

Former wife & her counsel at the hearing and to former husband at the hearing, who acknowledges being given a copy of this Order at the hearing on 8/30/2010:

A. L. P.