

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

XXX,  
Petitioner/ FormerHusband

vs.  
YYY,  
Respondent/ Former Wife

Case No. 0 CA 0 N

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 father's verified motion for contempt filed 6/21/2010, and from the sworn testimony of the former wife and the former husband the court finds:

*The respondent is in arrears in his/her child support, as ordered in the child support order in the Amended Final Judgment dated DDD. The respondent is presumed able to pay the monthly installment of \$X each month. A supplemental petition to modify is not now pending. The arrearage was \$X as of DDD. The mother received a lump sum payment of approximately \$X in May 2010, so she then had the ability to pay her child support obligation, but she has not paid any child support despite having had the ability to pay her child support obligation when she received that lump sum payment.*

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. No petition to modify has been filed by the respondent. 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 she may be in contempt of court because she did not pay child support for at least one month in the past, as ordered, even though she had the ability to pay it for that prior month.

**THEREFORE, the above named respondent is hereby ORDERED to appear before the undersigned judge, at .m., on \_\_\_\_\_, \_\_\_\_\_, in Courtroom 4I at the Lee County Justice Center Complex, 1700 Monroe Street, Fort Myers, Florida 33901, to show cause why she should not be held in indirect criminal contempt of this court for her 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.**

**A certified copy of this order must be personally served on the respondent by a process server authorized by law to serve process.**

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

**CERTIFICATE OF SERVICE**

I CERTIFY a copy of this Order was furnished by U.S. mail this date to: (1) respondent & former wife; (2) petitioner & former husband.

\_\_\_\_\_  
Dorina Soumastre, Judicial Assistant