

INSTRUCTIONS FOR FILING A MOTION TO ALLOW CHILD(REN) TO TESTIFY

Minor children cannot appear for deposition or to testify in court without prior permission of the Court. The motion to allow child(ren) to testify should be filed and heard well in advance of the hearing or trial at which you would like the minor child(ren) to testify.

Procedure:

1. Complete the Motion for Testimony and Attendance of Minor Child(ren), [Florida Supreme Court form 12.944(a)]. All blanks should be completed.
2. Once the form is completed make 2 copies.
3. Complete only the basics of the Order Granting Motion for Testimony and Attendance of Minor Child(ren), [Florida Supreme Court form 12.944(b)]. Stamp and address 2 envelopes, one to you and one to the other party. Attach the envelopes to the Order.
4. Submit the **original** completed Motion and the completed Order, with envelopes attached, to the Clerk of Court either by US mail at P. O. Box 219, Titusville, FL 32781-0219 or by visiting one of the Clerk of Courts locations:

NORTH BREVARD SERVICE COMPLEX

400 South Street, 2nd Floor
Titusville, Florida

MELBOURNE COURTHOUSE

51 S. Nieman Avenue
Melbourne, Florida

MOORE JUSTICE CENTER

Viera Complex
2825 Judge Fran Jamieson Way
Viera, Florida

MERRITT ISLAND OFFICE

2575 North Courtenay Parkway
Room 129
Merritt Island, FL

PALM BAY OFFICE

450 Cogan Drive S. E.
Palm Bay, FL

5. After the motion has been filed, contact the office of the judge assigned to your case and request a hearing to allow a minor to testify.
6. Complete the Notice of Hearing, [Florida Supreme Court form 12.923].
7. Make 2 copies of the completed hearing notice.
8. Retain one copy of the completed motion and hearing notice for your records.
9. File the original Notice of Hearing with the Clerk of Courts.
10. Provide one completed copy of the motion and hearing notice to the other party either by mail or hand delivery.
11. Attend the scheduled hearing.

If you would like to have someone to notarize or look over the completed forms before you file them, contact the Family Pro Se Coordinator at 321-617-7254, or e-mail prosecoordinator@brevardclerk.us to set an appointment.