

MOTION INFORMATION

A General Magistrate can hear motions for:

1. Enforcement of prior orders;
2. Modifications of prior orders/final judgments;
3. Contempt of prior orders/final judgments but **not** domestic violence matters;
4. Temporary relief, including temporary custody;

Circuit Judges hear motions for:

1. Default;
2. To move from or temporarily leave Florida;
3. To dismiss, compel, forego attendance at the "Helping Children Cope With Divorce" seminar;
4. Appoint Guardian Ad Litem, appoint Court Counselor;
5. Require Marriage Counseling;
6. Protective order, property issues;
7. Change of Venue;
8. Any pre-trial motions;
9. Contempt;
10. Any other motion in a contested family law case.

Forms may be obtained from the Clerk's Website at www.brevardclerk.us/pages/famform/htm or from on the following Clerk of Court 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

Motions can be served by U.S. mail and do not need to be served by process server unless the Final Judgment or Order being referred to did not retain jurisdiction over the parties and the matters. The Respondent to a Motion does not have to answer the motion, but can if he/she chooses to do so.

A Notice of Hearing [Florida Supreme Court Form 12.920(c) **OR** 12.923] for the motion can be served by U.S. mail or process server on the Respondent at the same time the motion is served. The hearing can be set according to the printed instructions for Hearings before a General Magistrate [Law 1017] or Circuit Judge [Law 1018], depending on the type of motion.

Always keep a copy of anything you file with the Clerk.

NOTE: The General Magistrate cannot hear a motion unless there is an Order of Referral to the General Magistrate [Florida Supreme Court Form 12.920(b)] signed by the Judge in the file for this specific issue, and provided the other party has not objected to the General Magistrate hearing the issue stated in the Referral. **Additionally**, a new referral must be entered if there is an issue not listed on the previous referral. A separate objection must be stated and filed for each Referral. The responding party has ten (10) days from the date of filing the Referral to object.