IN THE CIRCUIT COURT OF THE ­­­­­­\_\_\_\_\_\_\_\_\_ JUDICIAL CIRCUIT,

IN AND FOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, FLORIDA

CASE NO.: \_\_\_\_\_\_\_\_\_\_\_\_

FAMILY DIVISION

, Petitioner

and

, Respondent.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­­­­­\_\_\_/

**EX PARTE MOTION FOR ORDER DIRECTING CLERK OF COURT TO PROVIDE STATUTORY NOTICE OF INTENT TO SUSPEND DRIVER’S LICENSE**

COMES NOW, the Petitioner, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, by and through the undersigned counsel, and moves this Honorable Court to enter an order directing the Clerk of Court to provide statutory notice of intent to suspend the Respondent’s driver’s license and such notice to be directed to the Respondent, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Respondent has a child support obligation pursuant to his/her Final Judgment for Dissolution of Marriage previously entered on \_\_\_\_\_\_\_. The monthly child support obligation is $\_\_\_\_\_\_\_\_.
2. Respondent has failed to pay the child support obligation from \_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_. This results in \_\_\_\_\_\_\_ months of delinquency multiplied by the support obligation per month and a resulting arrearage of $\_\_\_\_\_\_\_\_. [[1]](#footnote-2)
3. Florida Statute 61.13016 states in part, “When an obligor is 15 days delinquent in making a payment in support in non-IV-D cases, and upon the request of the obligee, **the depository or the clerk of the court must provide notice to the obligor of the delinquency and the intent to suspend by regular United States mail**” as the first action to suspend a driver’s license. (Emphasis Added).
4. Florida Statute 61.13016 allows Respondent to challenge the intent to suspend the driver’s license within 20 days of the mailing date of the notice on the ground of mistake of fact regarding the existence of the delinquency or the identity of the obligor. This provides the Respondent with an adequate due process safeguard and method to challenge the intended suspension of driving privileges.
5. A private party may request the clerk of court to notify the Respondent of the suspension of his/her driver’s license. In *Porush v. Porush*, at the request of the wife, the clerk of court notified the former husband of his delinquency and intent to suspend driving privileges. The former husband/obligee contested the delinquency and the trial court found that the former husband was delinquent on his child support payments and directed the clerk to process the suspension of his driver’s license and motor vehicle registration. *Porush v. Porush*, 23 So.3d 1284 (Fla. 4th DCA 2010).
6. Given that Petitioner is owed $\_\_\_\_\_\_\_\_, Florida Statute 61.13016 requires that the Clerk of Court provide notice of intent to suspend Respondent’s driver’s license to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles.
7. Petitioner has retained the undersigned counsel and has agreed to pay to them a reasonable fee for their services for which Respondent should be liable for. Accordingly, Petitioner requests that Respondent reimburse undersigned counsel whom Petitioner retained for this matter in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Petitioner further requests an award of all taxable court costs.

WHEREFORE based upon the facts, authorities, and the record established to date, and given the outstanding child support obligation, Petitioner requests that this Honorable Court enter an order directing the Clerk of Court to provide statutory notice of intent to suspend Respondent’s driver’s license. Petitioner also requests any other relief as may be just and proper and reasonable attorney’s fees and for costs.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed and/or emailed to Respondent at \_\_\_\_\_\_\_\_\_\_\_\_, email (if known) \_\_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_\_\_\_, 2015.

Your Support Solution, P.A. d/b/a

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By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. Legislative intent regarding the need for enforcement of child support obligations is set out in Chapter 409 of the Florida Statutes, “Social and Economic Assitance.” The rationale pronounced by the legislature should hold equally true for Title IV cases as well as attempts to collect support undertaken by private litigants. See, Florida Statute 61.13015(1).

   **“Common-law and statutory procedures governing the remedies for enforcement of support for financially dependent children by persons responsible for their support have not proven sufficiently effective or efficient to cope with the increasing incidence of financial dependency.** The increasing workload of courts, prosecuting attorneys, and the Attorney General has resulted in a growing burden on the financial resources of the state, which is constrained to provide public assistance for basic maintenance requirements when parents fail to meet their primary obligations. The state, therefore, exercising its police and sovereign powers, declares that the common-law and statutory remedies pertaining to family desertion and nonsupport of dependent children shall be augmented by additional remedies directed to the resources of the responsible parents. In order to render resources more immediately available to meet the needs of dependent children, it is the legislative intent that the remedies provided herein are in addition to, and not in lieu of, existing remedies. **It is declared to be the public policy of this state that this act be construed and administered to the end that children shall be maintained from the resources of their parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through public assistance programs.”** (Emphasis added). Fla. Stat. 409.2551 (2013). [↑](#footnote-ref-2)