

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

IN RE:

CASE NO.: 2011-021207-FC-04

MARIO ALBERTO JIMENEZ,

JUDGE: SCOLA

Petitioner/Father,
and

KAREN WIZEL,

Respondent/Mother.

ORDER TO PICK-UP MINOR CHILDREN

An Emergency Verified Motion for Child Pick-Up Order has been filed by Petitioner/Father, **MARIO ALBERTO JIMENEZ**, alleging facts which under existing law are determined to be sufficient to authorize taking into custody the minor children named below. Based on this motion, this Court makes the following findings, notices, and conclusions:

JURISDICTION

This Court has jurisdiction over issues surrounding the minor children listed below based on the following:

[Choose all that apply]

- a. This Court exercised and continues to exercise original jurisdiction over the minor children listed below under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), specifically, section 61.514, Florida Statutes.
- b. A certified out-of-state custody decree has been presented to this Court with a request for full faith and credit recognition and enforcement under the Parental Kidnapping Prevention Act, 28 U.S.C. Section 1738A. This Court has jurisdiction to enforce this decree under the UCCJEA, specifically sections 61.501-61.542, Florida Statutes.
- c. By operation of Florida law governing the custody of or time-sharing with children born out of wedlock, this Court has jurisdiction over the children listed below because this (these) children was (were) born in the State of Florida and no prior court action involving the minor children has addressed a putative father's rights to time-sharing or other parental rights. See sections 742.031 and 744.301, Florida Statutes.
- d. Pursuant to the UCCJEA, specifically section 61.516, Florida Statutes, this Court has jurisdiction to modify a custody decree of another state and has consulted with the Court which took initial jurisdiction over the minor children to determine this authority.
- e. Other: _____

NOTICE OF HEARING

The mother was notified of the hearing which took place on August 23, 2011 at 10:30 A.M.

Because this Order to Pick-Up Minor Children has been issued without prior notice to the non-movant KAREN WIZEL, all parties involved in this matter are informed that they are scheduled to appear and testify at a hearing regarding this matter on

{date} _____ at

{time} _____, at which time the Court will consider whether the Court should issue a further order in this case, and whether other things should be ordered, including who should pay the filing fees and costs. The hearing will be before The Honorable ROBERT N. SCOLA, at the Miami Dade Courthouse, 175 N.W. 175 1st Avenue, Room 2826, Miami, Florida. If a party does not appear, this order may be continued in force, extended, or dismissed, and/or additional orders may be issued, including the imposition of court costs.

In accordance with the Americans with Disabilities act of 1990 (ADA), disabled persons who, because of their disabilities, need special accommodation to participate in this proceeding should contact the ADA Coordinator at 73 West Flagler Street, 16th Floor, Miami, Florida 33130, or telephone (305) 375-5278 not later than five business days prior to such proceeding. The TDD line for the hearing impaired is (800) 955-8771 or (800) 066-8770 via Florida Relay Service.

ORDER

This Court **ORDERS AND DIRECTS** any and all sheriffs of the State of Florida (or any other authorized law enforcement officer in this state or in any other state) to immediately take into custody the minor children identified below from anyone who has possession and:

- 1. Place the minor children in the physical custody of MARIO ALBERTO JIMENEZ, who may not remove the minor children from the jurisdiction of this Court.

OR

Accompany the minor children to the undersigned judge, if the minor children are picked up during court hours, for immediate hearing on the issue of custody or time-sharing. It is the intention of this Court that the nonmoving party, minor children, and movant appear immediately upon service of this order before the undersigned judge, if available, or duty judge to conduct a hearing as to which party is entitled to lawful custody of the minor children at issue. It is not the intention of the court to turn over the children to the movant on an ex parte basis. Neither party should be permitted to remove the children from the jurisdiction of this Court pending a hearing. If unable to accomplish the above, the sheriff/officer shall take the children into custody and place them with the Department of Children and Family Services of the State of Florida pending an expedited hearing herein.

OR

___ Place the minor children in the physical custody of {agency} who shall contact the undersigned judge for an expedited hearing. The sheriff/officer shall not delay the execution of this court order for any reason or permit the situation to arise where the nonmoving party is allowed to remove the children from the jurisdiction of this court.

2. NEITHER PARTY OR ANYONE AT THEIR DIRECTION, EXCEPT PURSUANT TO THIS ORDER, MAY REMOVE THE CHILDREN FROM THE JURISDICTION OF THIS COURT PENDING FURTHER HEARING. SHOULD THE NONMOVING PARTY IN ANY WAY VIOLATE THE MANDATES OF THIS ORDER IN THE PRESENCE OF THE LAW ENFORCEMENT OFFICER, THIS OFFICER IS TO IMMEDIATELY ARREST AND INCARCERATE THE OFFENDING PARTY UNTIL SUCH TIME AS THE OFFENDING PARTY MAY BE BROUGHT BEFORE THIS COURT FOR FURTHER PROCEEDINGS.

All sheriffs of the State for Florida are authorized and ORDERED to serve (and/or execute) and enforce this order in the daytime or in the nighttime and any day of the week, except as limited by this order above.

Except as limited by the above, if necessary, the sheriff/officer is authorized to take all reasonable, necessary, and appropriate measures to effectuate this order. The sheriff/officer shall not delay the execution of this order for any reason or permit the situation to arise where the children is (are) removed from the jurisdiction of this Court before execution of this order.

The minor children is (are) identified as follows:

Name Sex Birth date Race

MARIO SIMON JIMENEZ-WIZEL male/spanish 8/22/2002

KAREN NICOLE JIMEZEZ-WIZEL male/spanish 03/29/2006

Current location/address of minor children or of party believed to have possession of the minor children: KAREN WIZEL, 1934 SE 17th Street, Homestead, FL 33035

August 23 **DONE AND ORDERED** in Chambers at Miami-Dade County, Florida, on _____, 2011


CIRCUIT JUDGE, MIAMI-DADE COUNTY,
FLORIDA

Robert N. Soala, Jr.
Circuit Court Judge

Copies:

Lee Seidlin, Esq., 401 E. Las Olas Blvd., #130-196, Ft. Lauderdale, FL 33301
Karen Wizel, Pro Se, 1934 SE 17th Street, Homestead, FL 33035.