

## **INSTRUCTIONS FOR FILING PETITION FOR REMOVAL OF DISABILITIES OF NONAGE**

This Petition may be filed by a minor child's natural parent(s) or legal guardian(s). In the absence of a natural parent or legal guardian, a guardian ad litem may file a Petition on behalf of the child. If the petition is filed by the guardian ad litem, the natural parents must be personally served with a copy of the Petition and Notice of Hearing by the Sheriff or private process server. Constructive service can only be used provided the petitioning parent makes an actual, diligent search to discover the location of, and provide notice to, the non-petitioning parent. If this petition is filed by the child's legal guardian, the court is required to appoint an attorney ad litem to act on behalf of the minor child in these proceedings. **Note: The minor child must be at least 16 years old for this procedure.** In addition to the petition a Uniform Child Custody Jurisdiction Act and Enforcement affidavit must be completed and filed.

If you are the natural parent, legal guardian, or guardian ad litem seeking to remove the disabilities of nonage on behalf of a minor child, you should complete the form "Petition for Removal of Disabilities of Nonage" and all supporting documents and file them with the Clerk's Office, Civil Section. The Clerk will assign a number to your case.

In order for this Petition to be heard by a judge, you must follow correct court procedure and then schedule the case for a hearing. You should contact the Clerk's Office to find out the procedures for obtaining a hearing date. **You and your child MUST** be present on the date of the hearing. If there is another parent or guardian who has a legal right to custody of the child, he or she must join in the Petition, OR sign the "Waiver and Consent" form, which must be notarized, OR service of process must be made upon the non-petitioning parent who has not signed a waiver and consent form. If the address of the of the parent is unknown, constructive service of process may be used, provided the petitioning parent makes an actual, diligent search to discover the location of, and provide notice to the non-petitioning parent. Constructive service can be an extremely complicated area of the law. If you have any questions concerning the use of this procedure you should consult with an attorney.

If both parents of the minor child have not signed the Petition, or if you do not have a notarized "Waiver and Consent" form signed by the other parent or guardian, you must complete the "Notice of Hearing" form and serve a copy on the other parent. If the petition is filed by the guardian ad litem, service of process must be perfected on the natural parents.

### **By personal service through the Sheriff's Office –**

The Clerk's Office will assist you with this method. If both parents are not jointly petitioning the court, service of process must be made on the non-petitioning parent.

### **By personal service through a private process server-**

Consult your local telephone directory

### **By constructive service -**

Service by publication or posting is acceptable if the petitioning parent makes an actual, diligent search to discover the location of, and provide notice to, then on-petitioning parent.

On the day of the hearing, you should bring the "Judgment Removing Disabilities of Nonage" form. You should have your case number and your child's name entered on the form. You should bring several copies with you and present the original and copies to the judge at your hearing.

### **Address of the Clerk's Office:**

**West Pasco:** West Pasco Judicial Center  
7530 Little Road  
New Port Richey, FL 34654-5598

**East Pasco:** Robert D. Sumner Judicial Center  
38053 Live Oak Avenue  
Dade City, FL 33523-3805

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO COUNTY, FLORIDA

In Re: The Interest of \_\_\_\_\_

Petition No.: \_\_\_\_\_

\_\_\_\_\_  
A Child.

**PETITION FOR REMOVAL OF DISABILITIES OF NONAGE**

COMES NOW the undersigned Petitioner(s) and allege(s) as follows:

- 1) This is an action for removal of disabilities of nonage pursuant to 743.015, Florida Statutes.
- 2) Petitioner(s), \_\_\_\_\_ are 18 years of age or older and not legally incapacitated and a resident of Pasco County, Florida.
- 3) \_\_\_\_\_, is a minor, sixteen (16) years of age or older, who was born on \_\_\_\_\_ and whose address is \_\_\_\_\_, Pasco County.  
(street, city, state, zip)
- 4) Petitioner's relationship to the minor child is \_\_\_\_\_.
- 5) The names and addresses of the minor child's following relatives are:  
Natural or legal father: \_\_\_\_\_  
Address: \_\_\_\_\_  
Natural or legal mother: \_\_\_\_\_  
Address: \_\_\_\_\_  
Legal guardian: \_\_\_\_\_  
Address: \_\_\_\_\_
- 6) The minor child  has,  has not, been the subject of litigation in a divorce, paternity, separate maintenance, delinquency, dependency or other legal proceeding in the past or at the present time or had an order effecting custody of support entered about the minor. If so, the following is a summary of the order(s) of actions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court Case Number, City/State Summary

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7) The minor child is the natural parent of the following child(ren):

Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Who has custody: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Who has custody: \_\_\_\_\_

Address: \_\_\_\_\_

8) The minor child's character may be summarized as follows:

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9) The minor child's habits include:

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10) The minor child has achieved the following level of education:

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11) The minor child has a capacity for business because:

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12) The minor child's current income is: \_\_\_\_\_

13) The needs of the minor child with respect to food, shelter, clothing, medical care and other necessities will be met as follows: \_\_\_\_\_

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- 14) The following reasons are also alleged to support this petition requesting that the disabilities of nonage should be removed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 15) Petitioner alleges that it is in the child's best interest to have the disabilities of nonage removed.

WHEREFORE, Petition prays the entry of a judgment removing the disabilities of nonage for \_\_\_\_\_, and authorizing the child to  
(child's name)  
perform all acts that could be performed if the child were eighteen (18) years of age.

Respectfully submitted:

\_\_\_\_\_  
Petitioner

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF PASCO

The foregoing Petition was sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, by \_\_\_\_\_, Who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

\_\_\_\_\_  
Notary Public/Deputy Clerk – State of Florida  
My Commission expires:

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**  
*[fill in all blanks]*

I, {full legal name and trade name of nonlawyer} \_\_\_\_\_,  
a nonlawyer, located at (street) \_\_\_\_\_, (city) \_\_\_\_\_,  
(state) \_\_\_\_\_, (phone) \_\_\_\_\_, helped (name) \_\_\_\_\_,  
who is the petitioner, fill out this form.

## **NOTICE**

IF THERE IS ANY DOUBT IN YOUR MIND CONCERNING THESE FORMS, THE USE OF THE FORMS, OR YOUR LEGAL RIGHTS, IT IS STRONGLY RECOMMENDED THAT THE SERVICES OF AN ATTORNEY BE OBTAINED. IF YOU DO NOT KNOW AN ATTORNEY, YOU SHOULD CONTACT THE LAWYER REFERRAL SERVICE LISTED IN THE YELLOW PAGES OF THE TELEPHONE BOOK. IF YOU ARE FINANCIALLY UNABLE TO AFFORD THE SERVICES OF AN ATTORNEY, YOU SHOULD CONTACT THE LEGAL AID OFFICE IN YOUR AREA.

BECAUSE OF THE CHANGING NATURE OF THE LAW, THE FORMS AND INFORMATION ABOUT THEM MAY BECOME OUTDATED, REGARDLESS OF WHETHER YOU DISCUSS YOUR CASE WITH A LAWYER, YOU SHOULD RESEARCH ORIGINAL SOURCES OF AUTHORITY (STATUTES AND RULES OF PROCEDURE REFERENCED IN THE INSTRUCTIONS) TO UPDATE AND ENSURE THE ACCURACY OF THE FORMS.

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