

PACKET: H

Forms for use with: PETITION FOR TEMPORARY CUSTODY UNDER CHAPTER 751

INFORMATION

Appendix - General Information for Self Represented Litigants

FORM NUMBER

NAME OF FORM

FFLF 12.900(a)

Disclosure from Non-Lawyer

FFLF 12.928

Civil Cover Sheet

FFLF 12.970(a)

Petition for Temporary Custody by Extended Family*

FFLF 12.970(b)

Petition for Concurrent Custody by Extended Family*

*Use only one of these forms

FFLF 12.902(d)

Uniform Child Custody Jurisdiction and Enforcement Affidavit (UCCJEA)

Consent Forms:

FFLF 12.970(c)

Waiver of Service of Process and Consent for Temporary Custody by Extended Family*

FFLF 12.970(d)

Waiver of Service of Process and Consent for Concurrent Custody by Extended Family*

*Both natural adopted parents must sign a consent form or be served.

*Use only one of these forms

Personal Service:

FFLF 12.910(b)

Process Service Memorandum*

FFLF 12.910(a)

Summons: Personal Service on an Individual

FFLF 12.910(b)

Process Service Memorandum*

FFLF 12.910(a)

Summons: Personal Service on an Individual

*Both natural adopted parents must sign a consent form or be served.

Constructive Service:

12.913(a)(2)

(Can only be used if you cannot locate a parent, you are required to do a diligent search.)

12.913(b)

Notice of Action for Family Cases with Minor Child(ren)

12.913(c)

Affidavit of Diligent Search and Inquiry

Affidavit of Diligent Search

*Both natural adopted parents must sign a consent form or be served.

Default:

FFLF 12.912(b)

Affidavit of Military Service

*The clerk cannot process a default against a party who is in the military service.

FFLF 12.922(a)

Motion For Default

FFLF 12.922(b)

Default*

*Each parent must either answer or have a default entered.

Miscellaneous Forms:

FFLF 12.923

Notice of Hearing (General)

FFLF 12.924

Notice for Trial

FFLF 12.970(e)

Order Granting Petition for Temporary Custody by Extended Family

FFLF 12.970(f)

Order Granting Petition for Concurrent Custody by Extended Family

FFLF 12.900(h)

Notice of Related Cases

FFLF 12.914

Certificate of Service

FFLF 12.915

Designation of Current Mailing and E-Mail Address

PACKET: H

This packet contains TWO different types of Petitions and Orders that can be used for custody issues.

Use only one set of the forms listed below for the type of action you will be filing.

- Petition for Temporary Custody By Extended Family - Form 12.970(a); and,
- Order Granting Petition for Temporary Custody by Extended Family -Form 12.970(e)

-or-

- Petition for Concurrent Custody by Extended Family –Form 12.970(b); and,
- Order Granting Petition for Concurrent Custody by Extended Family -Form 12.970(f)

All other forms in this packet are necessary for either action.

CASE PROGRESSION CHECKLIST
PETITION FOR TEMPORARY CUSTODY UNDER CHAPTER 751

This checklist has been prepared to assist you with the necessary procedure for bringing your case to final hearing. This checklist lists the minimum requirements and, even though fairly specific, may not be all-inclusive for every case. **It is not intended, and should not be substituted for proper legal advice from an attorney.** You should, however, find that making sure all necessary steps noted below are followed would reduce procedural difficulties and time delays.

I. INITIAL FILING:

A. Petition.

- ☐ Petition for Temporary Custody By Extended Family – Form 12.970(a)
OR
- ☐ Petition for Concurrent Custody by Extended Family – Form 12.970(b)
***Use only one of these forms**

B. Required forms filed with initial petition.

- ☐ **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit-Form 12.902(d).**
- ☐ **Non-military Affidavit - Form 12.912(b)** (Required only for obtaining a default on petitions that have been personally or constructively served, not required if both parents have signed a waiver and consent) **Please note: two forms are included in the package, one must be filed for each parent that was served personally or by constructive service.**
- ☐ **Notice of Related Cases Form 12.900(h)**

C. Required fees.

- ☐ Filing fee paid or fee waiver granted by Court
- ☐ Fee paid for process service by Pasco County Sheriff, or fee waiver granted. (Separate check or money order made payable to the Sheriff). If service is required outside of the State of Florida, the party who filed the petition must obtain service procedure information including fees from the county where the other party(s) resides. This information, along with applicable fees, must be provided to the Clerk's Office. The Clerk's Office will prepare the summons and forward the paperwork, and money order for the service fees, to the address provided. Most other states will not honor a Florida Affidavit of Indigence.

D. Waiver and consent

- ☐ Waiver of Service of Process and Consent for Temporary Custody by Extended Family – Form 12.970(c). **Signed by each parent and notarized.** If you cannot obtain a Waiver and Consent Form, the parent(s) must be personally or constructively served (see below). If you can obtain only one Waiver and Consent, the other parent must be personally or constructively served.

OR

- ☐ Waiver of Service of Process and Consent for Concurrent Custody by Extended Family – Form 12.970(d). **Signed by each parent and notarized.** If you cannot obtain a Waiver and Consent Form, the parent(s) must be personally or constructively served (see below). If you can obtain only one Waiver and Consent, the other parent must be personally or constructively served.

***Use only one of these forms**

If both parents have signed a Waiver and Consent, skip to section III to set the hearing.

II. SERVICE OF PROCESS:

Service of Process or Waiver and Consent: Each parent must either sign a waiver and consent, or be served personally or constructively. ***Please note that constructive service can be an extremely complicated area of the law and you are strongly advised to seek legal advice if you must use this form of service.*** If the identity of one parent is unknown, you will need to seek legal advice to determine the proper way to serve the unknown parent.

A. Personal Service.

- ☐ Process Service Memorandum - Form 12.910(b) **Note:** Two forms are included in the package. Each parent must have been served or have signed a Waiver and Consent form. If one, or both, parents reside outside of the state of Florida, you will need to contact the County where the parent(s) reside to determine how paperwork is served. You should find out what address the summons should be sent to, and the fees for personal service. This information will be given to the clerk when you file along with the money order for the service fee(s) so that your paperwork can be forwarded to the proper agency for service on the parent(s).
- ☐ Summons returned “served” and filed by Clerk - Form 12.910(a). You will need one for each parent being served by the Sheriff or licensed process server.
- ☐ After 20 days, plus 5 days for mailing, have passed from the day Respondent(s) was served, check to see whether Respondent(s) filed an answer or **any** paper within the 25 day period. If yes, you may check this item. You must follow this procedure for both

parents if they were both served. **(If both checked, skip to Section III; if no answer filed, go to "B".)**

- ☐ Summons returned "not served." You will need to try to obtain a different address, such as a work address.
- ☐ Request clerk issue an alias (2nd time) or pluries (3rd or more) summons, if new address is known. If you cannot locate the parent (s), see Constructive Service below.

(If proper service is not obtained, the court cannot hear your case.)

- ☐ Constructive Service: If you are unable to locate one, or both, of the parents to have them sign a Waiver and Consent, or be served personally by a sheriff or licensed process server, then you can request the clerk of court to assist you with having your lawsuit posted on the courthouse wall or published in one of several approved newspapers. (The clerk of court can provide you with a list of approved newspapers where your suit can be published). This information must be posted or published for a period of 32 days. You are expected to continue to search for the other party(s) in the case. If you locate them, you are expected to have them personally served or obtain a Waiver and Consent form.
- ☐ Notice of Action for Family Cases with Minor Child(ren)- Form 12.913(a)(2). You will need one of these for each parent that is being served by constructive service.
- ☐ Affidavit of Diligent Search – Form 12.913(c). You will need one of these for each parent that is being served by constructive service.

If constructive service is used, the court may grant only limited relief. This is a complicated area of the Law and you may wish to consult with an attorney before using constructive service.

B. Default

- ☐ Respondent failed to answer or file any paper after service.
 - ☐ Motion for Default filed with Clerk – Form 12.922(a) (no sooner than 25 days after date of service)
- and**
- ☐ Default entered by Clerk –Form 12.922(b).
 - ☐ Respondent filed a form but not an answer you will need to motion the court to enter default and set a hearing on your motion.

Note: There are two forms in the package. This procedure must be followed for each parent that did not sign a Waiver and Consent, was served but did not file an answer.

III. MISCELLANEOUS

_____ Designation of Current Mailing and E-Mail Address- Form 12.915

_____ Certificate of Service- Form 12.914

IV. SETTING A HEARING

After Waiver and Consent is filed or Clerk enters default:

- ☐ Prepare a Motion to Set Final Hearing and file it with the Clerk of Circuit Court. (See address below.) You must also provide the following additional paperwork along with the Motion to Set Final Hearing:
- ☐ Notice of Hearing and two copies
- ☐ Two stamped envelopes, one addressed to you and the other addressed to the other party.

You will receive your Notice of Hearing in a couple of weeks which will provide you with the date and time of your final hearing. **If you have not provided the necessary paperwork your hearing may be delayed.**

Please make arrangements for child care if applicable. Children are not allowed to attend without prior Order, per Fla.Fam.L.R.P. 12.407.

By Mail: Clerk of Circuit Court, P.O. Drawer 338, New Port Richey, FL

In Person: Clerk of Circuit Court, West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL -or- Robert D. Sumner Judicial Center, 38053 Live Oak Avenue, Dade City, FL

The Law Library is located in New Port Richey and Dade City at the following locations:

New Port Richey: West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL

Dade City: Robert D. Sumner Judicial Center, 38053 Live Oak Ave, Room 126, Dade City, FL

FAMILY LAW FORMS, COMMENTARY, AND INSTRUCTIONS

GENERAL INFORMATION FOR SELF-REPRESENTED LITIGANTS

(02/18)

You should read this General Information thoroughly before taking any other steps to file your case or represent yourself in court. Most of this information is **not** repeated in the attached forms. This information should provide you with an overview of the court system, its participants, and its processes. It should be useful whether you want to represent yourself in a pending matter or have a better understanding of the way family court works. **This is not intended as a substitute for legal advice from an attorney. Each case has its own particular set of circumstances, and an attorney may advise you of what is best for you in your individual situation.**

These instructions are not the only place that you can get information about how a family case works. You may want to look at other books for more help. The Florida Statutes, Florida Family Law Rules of Procedure, Florida Rules of Civil Procedure, and other legal information or books may be found at the public library or in a law library at your county courthouse or a law school in your area. If you are filing a petition for **Name Change** and/or **Adoption**, these instructions may not apply.

If the word(s) is printed in **bold**, this means that the word is being emphasized. Throughout these instructions, you will also find words printed in **bold** and **underlined**. This means that the definitions of these words may be found in the glossary of common family law terms at the end of this general information section.

Commentary

1995 Adoption. To help the many people in family law court cases who do not have attorneys to represent them (pro se litigants), the Florida Supreme Court added these simplified forms and directions to the Florida Family Law Rules of Procedure. The directions refer to the Florida Family Law Rules of Procedure or the Florida Rules of Civil Procedure. Many of the forms were adapted from the forms accompanying the Florida Rules of Civil Procedure. Practitioners should refer to the committee notes for those forms for rule history.

The forms were adopted by the Court pursuant to *Family Law Rules of Procedure*, 667 So. 2d 202 (Fla. 1995); *In re Petition for Approval of Forms Pursuant to Rule 10-1.1(b) of the Rules Regulating the Florida Bar—Stepparent Adoption Forms*, 613 So. 2d 900 (Fla. 1992); *Rules Regulating the Florida Bar—Approval of Forms*, 581 So. 2d 902 (Fla. 1991).

Although the forms are part of these rules, they are not all inclusive and additional forms, as necessary, should be taken from the Florida Rules of Civil Procedure as provided in Florida Family Law Rules of Procedure. Also, the following notice has been included to strongly encourage individuals to seek the advice, when needed, of an attorney who is a member in good standing of the Florida Bar.

1997 Amendment. In 1997, the Florida Family Law Forms were completely revised to simplify and correct the forms. Additionally, the appendices were eliminated, the instructions contained in the appendices were incorporated into the forms, and the introduction following the Notice to Parties was created. Minor changes were also made to the Notice to Parties set forth below.

NOTICE TO PARTIES WHO ARE NOT REPRESENTED BY AN ATTORNEY WHO IS A MEMBER IN GOOD STANDING OF THE FLORIDA BAR

If you have questions or concerns about these forms, instructions, commentary, the use of the forms, or your legal rights, it is strongly recommended that you talk to an attorney. If you do not know an attorney, you should call the lawyer referral service listed in the yellow pages of the telephone book under "Attorney." If you do not have the money to hire an attorney, you should call the legal aid office in your area.

Because the law does change, the forms and information about them may have become outdated. You should be aware that changes may have taken place in the law or court rules that would affect the accuracy of the forms or instructions.

In no event will the Florida Supreme Court, The Florida Bar, or anyone contributing to the production of these forms or instructions be liable for any direct, indirect, or consequential damages resulting from their use.

FAMILY LAW PROCEDURES

Communication with the court. Ex parte communication is communication with the judge with only one party present. Judges are not allowed to engage in ex parte communication except in very limited circumstances, so, absent specific authorization to the contrary, you should not try to speak with or write to the judge in your case unless the other party is present or has been properly notified. **If you have something you need to tell the judge, you must ask for a hearing and give notice to the other party or file a written statement in the court file and send a copy of the written statement to the other party.**

Filing a case. A case begins with the filing of a petition. A petition is a written request to the court for some type of legal action. The person who originally asks for legal action is called the petitioner and remains the petitioner throughout the case.

A petition is given to the clerk of the circuit court, whose office is usually located in the county courthouse or a branch of the county courthouse. A case number is assigned and an official court file is opened. Delivering the petition to the clerk's office is called filing a case. A filing fee is usually required.

The Florida Rules of Judicial Administration now require that petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file a petition or other pleadings, motions, and documents electronically; however, they are not required to do so.** If you choose to file your petition electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the circuit within which you file. **The rules and procedures should be carefully read and followed.**

Service of the original petition or supplemental petition. When one party files a petition, motion, or other pleading, the other party must be "served" with a copy of the document. This means that the other party is given proper notice of the pending action(s) and any scheduled hearings. The person

against whom the original legal action is being requested is called the **respondent**, because he or she is expected to respond to the petition. The respondent remains the respondent throughout the case.

Personal service of the petition and summons on the respondent by a deputy sheriff or private process server is required in all **original petitions** and **supplemental petitions**, unless **constructive service** is permitted by law. Personal service may also be required in other actions by some judges.

Constructive Service. If you absolutely do not know where the other party to your case lives or if the other party resides in another state, you may be able to use **constructive service**; however, if constructive service is used, other than granting a divorce, the court may only grant limited relief, which cannot include either alimony or child support. For more information on constructive service, see **Notice of Action for Dissolution of Marriage (No Child or Financial Support)**, Florida Supreme Court Approved Family Law Form 12.913(a)(1), **Notice of Action for Family Cases with Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.913(a)(2), **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b), and **Affidavit of Diligent Search**, Florida Family Law Rules of Procedure Form 12.913(c).. Additionally, if the other party is in the military service of the United States, additional steps for service may be required. See, for example, **Memorandum for Certificate of Military Service**, Florida Supreme Court Approved Family Law Form 12.912(a). In sum, the law regarding constructive service and service on an individual in the military is very complex and you may wish to consult an attorney regarding these issues.

Forms for service of process are included in the Florida Family Law Forms, along with more detailed instructions and information regarding service. The instructions to those forms should be read **carefully** to ensure that you have properly served the other party. **If proper service is not obtained, the court cannot hear your case. Service must be in accordance with Florida Rule of Judicial Administration 2.516.**

Subsequent Service. Other than the original or supplemental petitions, any time you file additional pleadings or motions in your case, you must provide a copy to the other party and include a **certificate of service**. Likewise, the other party must provide you with copies of everything that he or she files. **If the other party is represented by an attorney, you should serve the attorney unless service upon the other party is required by the court.**

Electronic Service. After the initial service of process of the petitioner or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

Default. After being served with a petition or counterpetition, the other party has 20 days to file a response. If a response to a petition is not filed, the petitioner may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk. This means that you may proceed with your case and set a **final hearing**, and a **judge** will make a decision, even if the other party will not cooperate. For more information, see rule 12.080(c), Florida Family Law Rules of Procedure.

Answer and Counterpetition. After being served, the respondent has 20 days to file an answer admitting or denying each of the allegations contained in the petition. In addition to an answer, the respondent may also file a counterpetition. In a counterpetition, the respondent may request the same or some other relief or action not requested by the petitioner. If the respondent files a counterpetition, the petitioner should then file an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.903(d), and either admit or deny the allegations in the respondent's counterpetition.

Mandatory disclosure. Rule 12.285, Florida Family Law Rules of Procedure, requires each party in a dissolution of marriage to exchange certain information and documents, and file a **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). Failure to make this required disclosure within the time required by the Florida Family Law Rules of Procedure may allow the court to dismiss the case or to refuse to consider the pleadings of the party failing to comply. This requirement also must be met in other family law cases, **except** adoptions, simplified dissolutions of marriage, enforcement proceedings, contempt proceedings, and proceedings for injunctions for domestic or repeat violence. The **Certificate of Compliance with Mandatory Disclosure**, Florida Family Law Rules of Procedure Form 12.932, lists the documents that must be given to the other party. For more information see rule 12.285, Florida Family Law Rules of Procedure, and the instructions to the **Certificate of Compliance with Mandatory Disclosure**, Florida Family Law Rules of Procedure Form 12.932.

Parenting Plan. If your case involves minor or dependent child(ren), a **Parenting Plan** shall be approved or established by the court. **Parenting Plan**, Florida Supreme Court Approved Family Law Form, 12.995(a), **Safety-Focused Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.995(b), or **Relocation/Long Distance Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.995(c). The Parenting Plan shall be developed and agreed to by the parents and approved by a court.

If the parents cannot agree, or if the agreed Parenting Plan is not approved, the court must establish a Parenting Plan. The Parenting Plan shall contain a time-sharing schedule and should address the issues regarding the child(ren)'s education, health care, and physical, social, and emotional well-being.

Setting a hearing or trial. Generally, the court will have hearings on motions, final hearings on uncontested or default cases, and trials on contested cases. Before setting your case for **final hearing** or trial, certain requirements such as completing mandatory disclosure and filing certain papers and having them served on the other party must be met. These requirements vary depending on the type of case and the procedures in your particular jurisdiction. For further information, you should refer to the instructions for the type of form you are filing.

Next, you must obtain a hearing or trial date so that the court may consider your request. You should ask the clerk of court, or **family law intake staff** about the local procedure for setting a hearing or trial, which you should attend. These family law forms contain **orders** and **final judgments**, which the judge may use. You should ask the clerk of court or family law intake staff if you need to bring one of these forms with you to the hearing or trial. If so, you should type or print the heading, including the circuit, county, case number, division, and the parties' names, and leave the rest blank for the judge to complete at your hearing or trial.

The shaded areas below explain different parts of family law forms. Although each form you use may not contain each part explained below, all forms contain a case style which identifies the judicial circuit and county in Florida in which the case is filed, the division within that circuit to which the case is assigned, the parties in the case, and the number of the case. Some, but not all, forms require that the person signing the form state under oath that what he or she claims in the form is true; those particular forms must be signed in the presence of either a deputy clerk of the court or a notary public who witnesses your signature before notarizing the form. Most forms contain a nonlawyer clause which requests certain information be provided by any person who is not licensed to practice law in the State of Florida who has helped you to complete the form.

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Each form that provides a blank space will have instructions on how to fill in the blank. Please follow all instructions which ask for specific information. Often these instructions appear in *italics*. [

IN THE CIRCUIT COURT OF THE (1) JUDICIAL CIRCUIT,
IN AND FOR (2) COUNTY, FLORIDA

Case No.: (3)
Division: (4)

(5),
Petitioner,
and
(6),
Respondent.

- Line 1** The clerk of court can tell you the number of your judicial circuit. Type or print it here.
- Line 2** Type or print your county name on line (2).
- Line 3** If you are filing an initial petition or pleading, the Clerk of the Court will assign a case number after the case is filed. You should type or print this case number on all papers you file in this case.
- Line 4** The clerk of the court can tell you the name of the division in which your case is being filed, and you should type or print it here. Divisions vary from court to court. For example, your case may be filed in the civil division, the family division, or the juvenile division.
- Line 5** Type or print the legal name of the person who originally filed the case on line 5. This person is the petitioner because he/she is the one who filed the original petition.
- Line 6** Type or print the other party's legal name on line 6. The other party is the respondent because he/she is responding to the petition.

Some forms require that your signature be witnessed. If so, you must sign the form in the presence of a **notary public** or deputy clerk (employee of the clerk of the court's office). When signing the form, you must have a valid photo identification unless the notary knows you personally. You should completely fill in all lines (1 & 3–8) except 2 with the requested information, if applicable. **Line 2, the signature line,**

must be signed in the presence of the notary public or deputy clerk. **DO NOT SIGN OR FILL IN THE PART OF THE FORM WHICH ASKS FOR THE NOTARY'S OR CLERK'S SIGNATURE.** This section of the form is to be completed by either the deputy clerk or the notary public who is witnessing your signature.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____ (1)

_____ (2)

(2)

Signature of Petitioner

Printed Name:

_____ (3)

Address:

_____ (4)

City, State, Zip: _____ (5)

Telephone Number: _____ (6)

Fax Number: _____ (7)

Designated E-mail Address(es): _____ (8)

STATE OF FLORIDA

COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

{Print, type, or stamp commissioned name of notary or clerk.}

_____ Personally known

_____ Produced identification

_____ Type of identification produced _____

Non-lawyer Clause. The section below should be completed by anyone who helps you fill out these forms but is **not** an attorney who is a member in good standing of The Florida Bar, which means that he or she is not licensed to practice law in Florida.

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

[fill in **all** blanks] This form was prepared for the: {either Petitioner or Respondent; or Husband or Wife}

This form was completed with the assistance of:

{name of individual} _____ (1) _____,
{name of business} _____ (2) _____,
{address} _____ (3) _____,
{city} _____ (4) _____, {state} _____ (5) _____, {zip code} _____ (6) _____, {telephone number} _____ (7) _____.

Line 1 The nonlawyer who helps you should type or print his or her name on line 1.

Lines 2–7 The nonlawyer’s business name, address, (including street, city, state, zip code, and telephone number) should be typed or printed on lines 2–7.

In addition, a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), should be completed if a nonlawyer assists you. The disclosure is available as a family law form and should be completed before the nonlawyer helps you. This is to be sure that you understand the role and limitations of a nonlawyer. You and the nonlawyer should keep a copy of this disclosure for your records.

FAMILY LAW GLOSSARY OF COMMON TERMS AND DEFINITIONS

Note: The following definitions are intended to be helpful, BUT they are not intended to constitute legal advice or address every possible meaning of the term(s) contained in this glossary.

Affidavit - a written statement in which the facts stated are sworn or affirmed to be true.

Alimony-spousal support which may be ordered by the court in a proceeding for dissolution of marriage. Types of alimony include: bridge-the-gap, durational, rehabilitative, or retroactive, and may be either temporary or permanent. The court may order periodic payments, payments in lump sum, or both. In determining whether to award alimony, the court must determine whether either party has an actual need for alimony and whether the other party has the ability to pay. The court must consider the factors set forth in section 61.08, Florida Statutes, and must make certain written findings. An alimony award may not leave the paying party with significantly less net income than that of the receiving party without written findings of exceptional circumstances.

Answer - written response by a respondent that states whether he or she admits (agrees with) or denies (disagrees with) the allegations in the petition. Any allegations not specifically denied are considered to be admitted.

Appeal - asking a district court of appeal to review the decision in your case. There are strict procedural and time requirements for filing an appeal.

Asset - everything owned by you or your spouse, including property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, or retirement plans. An asset may be marital or nonmarital, but that distinction is for the court to determine if you and your spouse do not agree.

Attorney - a person with special education and training in the field of law who is a member in good standing of The Florida Bar and licensed to practice law in Florida. An attorney is the only person who is allowed to give you legal advice. An attorney may file your case and represent you in court, or just advise you of your rights before you file your own case. In addition to advising you of your rights, an attorney may tell you what to expect and help prepare you for court. In family law matters, you are not entitled to a court-appointed lawyer, like a public defender in a criminal case. However, legal assistance is often available for those who are unable to hire a private attorney. You may consult the yellow pages of the telephone directory for a listing of legal aid or lawyer referral services in your area, or ask your local clerk of court or family law intake staff what services are available in your area. You may also obtain information from the Florida Supreme Court's Internet site located at <http://www.flcourts.org>.

Bond - money paid to the clerk of court by one party in a case, to be held and paid to an enjoined party in the event that the first party causes loss or damage of property as a result of wrongfully enjoining the other party.

Beneficiary Designation-Florida law provides that a beneficiary designation made by or on behalf of a party providing for the payment or transference of an asset or benefit upon his or her death to the other spouse is void when the final judgment dissolving or declaring a marriage invalid is signed, unless the final judgment specifically states otherwise. Federal law and other statutory provisions may also apply. This includes, but is not limited to, such assets as life insurance policies, annuities, employee benefit plans, individual retirement accounts, and payable-on-death accounts. Whether or not to continue a beneficiary designation is a complex area of the law and you may wish to consult with an attorney.

Bridge-the-Gap Alimony-spousal support which is ordered to assist a party to make the transition from being married to being single. Bridge-the-Gap alimony is designed to assist a party with legitimate, identifiable short-time needs; its length cannot exceed two years and it cannot be modified.

Central Depository-the office of the clerk of court that is responsible for collecting and disbursing court ordered alimony and child support payments. The depository also keeps payment records and files judgments if support is not paid.

Certificate of Service - a document that must be filed whenever a form you are using does not contain a statement for you to fill in showing to whom you are sending copies of the form. Florida Supreme Court Approved Family Law Form 12.914 is the certificate of service form and contains additional instructions.

Certified Copy - a copy of an order or final judgment, certified by the clerk of the circuit court to be an authentic copy.

Certified Mail - mail which requires the receiving party to sign as proof that they received it.

Child Support - money paid from one parent to the other for the benefit of their dependent or minor child(ren).

Clerk of the Circuit Court - elected official in whose office papers are filed, a case number is assigned, and case files are maintained. The clerk's office usually is located in the county courthouse.

Concurrent Custody-(for the purposes of a petition filed pursuant to chapter 751, Florida Statutes) means that an eligible extended family member is awarded custodial rights to care for a child or children concurrently with the child(ren)'s parent or parents.

Constructive Service - notification of the other party by newspaper publication or posting of notice at designated places when the other party cannot be located for personal service. You may also be able to use constructive service when the other party lives in another state. Constructive service is also called "service by publication." However, when constructive service is used, the relief the Court may grant is limited; that relief cannot include either alimony or child support. For more information on service, see the instructions for Florida Family Law Rules of Procedure Forms 12.910(a) and 12.913(b) and Florida Supreme Court Approved Family Law Forms 12.913(a)(1) and (2).

Contested Issues - any or all issues upon which the parties are unable to agree and which must be resolved by the judge at a hearing or trial.

Contingent Asset - an asset that you **may** receive or get later, such as income, tax refund, accrued vacation or sick leave, a bonus, or an inheritance.

Contingent Liability - a liability that you **may** owe later, such as payments for lawsuits, unpaid taxes, or debts that you have agreed or guaranteed to pay if someone else does not.

Counterpetition - a written request to the court for legal action, which is filed by a respondent after being served with a petition.

Custody Order – a judgment or order incorporating a Parenting Plan is a child custody determination for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act, the International Child Abduction Remedies Act, 42 U.S.C. ss. 11601 et seq., the Parental Kidnapping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at the Hague on October 25, 1980.

Default - a failure of a party to respond to the pleading of another party. This failure to respond may allow the court to decide the case without input from the party who did not appear or respond.

Delinquent - late.

Dependent Child(ren) - child(ren) who depend on their parent(s) for support either because they are under the age of 18, have a mental or physical disability that prevents them from supporting themselves, or are in high school, between the ages of 18 and 19, and performing in good faith with a reasonable expectation of graduation before the age of 19.

Deputy Clerk - an employee of the office of the clerk of court, which is usually located in the county courthouse or a branch of the county courthouse.

Dissolution of Marriage - divorce; a court action to end a marriage.

Durational Alimony-spousal support which is ordered to provide economic assistance for a set period of time following a marriage of short or moderate duration or following a marriage of long duration if there is no ongoing need for support on a permanent basis. Durational alimony terminates upon the death of either party or upon remarriage of the party receiving support. It may be modified or terminated, but cannot exceed the length of a marriage.

Electronic Communication – Contact, other than face-to-face contact, facilitated by tools such as telephones, electronic mail or email, webcams, video-conferencing equipment and software or other wired or wireless technologies, or other means of communication to supplement fact-to face contact between a parent and that parent’s minor child.

Enjoined - prohibited by the court from doing a specific act.

Ex Parte - communication with the judge by only one party. In order for a judge to speak with either party, the other party must have been properly notified and have an opportunity to be heard. If you have something you wish to tell the judge, you should ask for a hearing or file information in the clerk of court’s office, with certification that a copy was sent to the other party.

Extended Family Member-(for the purposes of a petition filed pursuant to chapter 751, Florida Statutes) is a person who is either:

- 1) A relative of a minor child within the third degree by blood or marriage to the parent; OR
- 2) The stepparent of a minor child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the child’s parents as an adverse party.

Family Law Intake Staff - a court’s employee(s) who is (are) available to assist you in filing a family law case. Family law intake staff are not attorneys and cannot give legal advice. They may only assist you with filling out the form(s). Your local clerk’s office can tell you if your county has such assistance available.

Filing - delivering a petition, response, motion, or other pleading in a court case to the clerk of court’s office.

Filing Fee - an amount of money, set by law, that the petitioner must pay when filing a case. If you cannot afford to pay the fee, you must file an **Application for Determination of Civil Indigent Status**, to ask the clerk to file your case without payment of the fee. This form can be obtained from the clerk’s office.

Final Hearing - trial in your case.

Financial Affidavit - a sworn statement that contains information regarding your income, expenses, assets, and liabilities.

Final Judgment - a written document signed by a judge and recorded in the clerk of the circuit court’s office that contains the judge’s decision in your case.

Guardian ad Litem - a neutral person who may be appointed by the court to evaluate or investigate your child’s situation, and file a report with the court about what is in the best interests of your child(ren). Guardians do not “work for” either party. The guardian may interview the parties, visit their homes,

visit the child(ren)'s school(s) and speak with teachers, or use other resources to make their recommendation.

Hearing - a legal proceeding before a judge or designated officer (general magistrate or hearing officer) on a motion.

Health Insurance - coverage under a fee-for-service arrangement, health care maintenance organization, or preferred provider organization, and other types of coverage available to either parent, under which medical services could be provided to a minor or dependent child.

Judge - an elected official who is responsible for deciding matters on which you and the other parties in your case are unable to agree. A judge is a neutral person who is responsible for ensuring that your case is resolved in a manner which is fair, equitable, and legal. **A judge is prohibited by law from giving you or the other party any legal advice, recommendations, or other assistance, and may not talk to either party unless both parties are present, represented, or at a properly scheduled hearing.**

Judicial Assistant - the judge's personal staff assistant.

Liabilities - everything owed by you or your spouse, including mortgages, credit cards, or car loans. A liability may be marital or nonmarital, but that distinction is for the court to determine if you and your spouse do not agree.

Lump Sum Alimony - money ordered to be paid by one spouse to another in a limited number of payments, often a single payment.

Mandatory Disclosure - items that must be disclosed by both parties except those exempted from disclosure by Florida Family Law Rule 12.285.

Marital Asset - generally, anything that you and/or your spouse acquired or received (by gift or purchase) during the marriage. For example, something you owned before your marriage **may** be nonmarital. An asset may only be determined to be marital by agreement of the parties or determination of the judge.

Marital Liability - generally, any debt that you and/or your spouse incurred during the marriage. A debt may only be determined to be nonmarital by agreement of the parties or determination of the judge.

Mediator - a person who is trained and certified to assist parties in reaching an agreement before going to court. Mediators do not take either party's side and are not allowed to give legal advice. They are only responsible for helping the parties reach an agreement and putting that agreement into writing. In some areas, mediation of certain family law cases may be required before going to court.

Modification - a change made by the court in an order or final judgment.

Motion - a request made to the court, other than a petition.

No Contact - a court order directing a party not speak to, call, send mail to, visit, or go near his or her spouse, ex-spouse, child(ren), or other family member.

Nonlawyer - a person who is not a member in good standing of The Florida Bar.

Nonmarital Asset - generally, anything owned separately by you or your spouse. An asset may only be determined to be nonmarital by either agreement of the parties or determination of the judge.

Nonmarital Liability - generally, any debt that you or your spouse incurred before your marriage or since your separation. A debt may only be determined to be nonmarital by either agreement of the parties or determination of the judge.

Nonparty - a person who is not the petitioner or respondent in a court case.

Notary Public - a person authorized to witness signatures on court related forms.

Obligee - a person to whom money, such as child support or alimony, is owed.

Obligor - a person who is ordered by the court to pay money, such as child support or alimony.

Order - a written decision, signed by a judge and filed in the clerk of the circuit court's office that contains the judge's decision on part of your case, usually on a motion.

Original Petition - see **Petition**.

Parenting Course - a class that teaches parents how to help their child(ren) cope with divorce and other family issues.

Parenting Plan – a document created to govern the relationship between the parents relating to the decisions that must be made regarding the minor child(ren). The Parenting Plan must contain a time-sharing schedule for the parents and child(ren) and shall address the issues concerning the minor child(ren). The issues concerning the minor child(ren) may include, but are not limited to, the child(ren)'s education, health care, and physical, social, and emotional well-being. In creating the Plan, all circumstances between the parents, including their historic relationship, domestic violence, and other factors must be taken into consideration. The Parenting Plan must be developed and agreed to by the parents and approved by the court. If the parents cannot agree to a Parenting Plan, or if the parents agreed to a plan that is not approved by the court, a Parenting Plan will be established by the court with or without the use of **parenting plan recommendations**.

Parenting Plan Recommendation – A nonbinding recommendation concerning one or more elements of a Parenting Plan made by a court-appointed mental health practitioner or other professional designated pursuant to either section 61.20 or 61.401, Florida Statutes, or Florida Family Law Rule of Procedure 12.363.

Party - a person involved in a court case, either as a petitioner or respondent.

Paternity Action - A lawsuit used to determine whether a designated individual is the father of a specific child or children.

Payor - an employer or other person who provides income to an obligor.

Permanent Alimony - spousal support ordered to provide for the needs and necessities of life as they were established during the marriage for a party who lacks the financial ability to meet his or her needs and necessities after dissolution of marriage. Permanent alimony is paid at a specified, periodic rate until: modification by a court order; the death of either party; or the remarriage of the party receiving alimony, whichever occurs first. Permanent alimony requires consideration of the factors set forth in section 61.08(2), Florida Statutes, and must include certain written findings by the court.

Personal Service - when a summons and a copy of a petition (or other pleading) that has been filed with the court are delivered by a deputy sheriff or private process server to the other party. Personal service is required for all petitions and supplemental petitions.

Petition - a written request to the court for legal action, which begins a court case.

Petitioner - the person who originally files a petition that begins a court case. The Petitioner remains the Petitioner throughout the duration of the case.

Pleading - a formal, written statement of exactly what a party wants the court to do in a lawsuit or court action.

Pro Se or Self-Represented Litigant - a person who appears in court without the assistance of a lawyer.

Pro Se Coordinator - see **Family Law Intake Staff**.

Rehabilitative Alimony - spousal support ordered to be paid for a limited period of time to allow one of the parties an opportunity to complete a plan of education or training, according to a rehabilitative plan accepted by the court, so that he or she may better support himself or herself after dissolution of marriage.

Relocation- a change in the location of the principal residence of a parent or other person in accordance with section 61.13001, Florida Statutes.

Respondent - the person who is served with a petition requesting some legal action against him or her. The Respondent remains the Respondent throughout the duration of the case.

Scientific Paternity Testing - a medical test to determine the biological father of a child

Service - the delivery of legal documents to a party. Service must be in accordance with Florida Rule of Judicial Administration 2.516.

Shared Parental Responsibility - an arrangement under which both parents have full parental rights and responsibilities for their child(ren), and the parents make major decisions affecting the welfare of the child(ren) jointly. Shared Parental Responsibility is presumptive in Florida.

Sole Parental Responsibility - a parenting arrangement under which the responsibility for the minor child(ren) is given to one parent by the court, with or without rights of time-sharing to the other parent.

State Disbursement Unit- the unit established and operated by the Title IV-D agency to provide one central address for the collection and disbursement of child support payments made in both Department of Revenue and non-Department of Revenue cases, in which the obligation is paid through an income deduction order.

Supervised Time-Sharing- a parenting arrangement under which time-sharing between a parent and his or her child(ren) is supervised by either a friend, family member, or a supervised visitation center.

Supplemental Petition - a petition that may be filed by either party after the judge has made a decision in a case and a final judgment or order has been entered. For example, a supplemental petition may be used to request that the court modify the previously entered final judgment or order.

Supportive Relationship-a relationship, defined in section 61.14(1)(b)1, Florida Statutes, existing between an obligee who receives alimony and a person with whom that obligee resides.

Time-Sharing Schedule – a timetable that must be included in the Parenting Plan that specifies the time, including overnights and holidays that a minor child or children will spend with each parent. The time-sharing schedule shall either be developed and agreed to by the parents of a minor child or children and is approved by the court, or established by the court if the parents cannot agree, or if their agreed-upon schedule is not approved by the court.

Trial - the final hearing in a contested case.

Uncontested - any and all issues on which the parties are able to agree and which are part of a marital settlement agreement.