

# INFORMATION ABOUT THIS PACKET

Before you choose to represent yourself in any action, it is strongly recommended that you seek the advice of an attorney.

The forms included in this packet are for those litigants who choose to represent themselves in court, pro se (without an attorney). The packet may or may not include all the forms you need for your particular situation. Additional forms may be available upon request from the Clerk of Court's office.

It is up to you, the pro se litigant, to determine which forms are appropriate for your situation and to fill the forms out completely and properly. It is also your decision whether or not to use these forms. If you have any questions concerning your legal rights and remedies, please contact an attorney.

The Clerk of Court's Office and the Family Law Pro Se Coordinator cannot give you legal advice. You are representing yourself and you alone are responsible for the correct completion and filing of forms.

For a complete list of forms that are available through the Clerk of Court's Office, please refer to the Family Law Forms, Commentary and Instructions Book. For other information, refer to the Florida Statutes and the Florida Family Law Rules of Procedure.

IMPORTANT INFORMATION AND INSTRUCTIONS FOR PRO SE LITIGANTS
---

## ***ABOUT LEGAL PROCEEDINGS***

- A Pro Se litigant is a person who represents himself on a legal matter without the legal advice and representation of an attorney licensed to practice law.
- It is highly recommended that you consult with an attorney before deciding to represent yourself in court.
- The Pro Se Coordinator and the Clerk are not Attorneys and cannot give you legal advice, represent you in court, tell you what to say, do or write, nor tell you about your legal rights and remedies.
- The Pro Se Coordinator can give you information and guidance on how the court system works, what forms are available for your use, local procedures for filing your forms and getting a hearing date, and agencies in the community that may be able to assist you.
- It is the Pro Se litigant's responsibility to file the appropriate pleadings with the Clerk of Court, properly serve the opposing party with a copy of all documents, and make sure that the other party is given sufficient notice of the hearing.
- There is no confidential relationship between the Family Law Pro Se staff and Pro Se litigants.

## ***ABOUT THE COURT HEARING***

- Be prepared to tell the Court what specific issues are to be addressed. It is recommended that you write down all the issues and concerns that you will need to know in court, rather than rely on memory.
- The parties are not allowed to speak to each other – all questions and objections must be directed to the Judge. Address the Judge as "Your Honor" and request permission to address the court before speaking. Do not talk while the Judge is talking.
- Minor children should be left at home or with an adult in the courthouse lobby. The court will not address family law issues while the minor child(ren) are present.
- Be sure to dress appropriately: no shorts, flip flops, slippers, halter or low cut tops, tight or short skirts/dresses.
- All parties must maintain the utmost respect for the Court and each other – at all times.
- The court will not tolerate emotional outbursts. If you disagree with the Judge's decision, refrain from yelling, cursing, or making rude, threatening or other inappropriate comments.
- CAUTION: The Judge can hold you in contempt of court for inappropriate actions or words, and you could be fined and/or incarcerated.

# FIRST JUDICIAL CIRCUIT OF FLORIDA SELF-HELP PACKET FOR PETITION TO ESTABLISH VISITATION/TIME-SHARING WITH MINOR CHILD(REN)

If the Court or Department of Revenue **has** entered an order establishing paternity, custody and/or child support of a minor child(ren), but visitation/time-sharing was not ordered, you may file a **Petition to Establish Visitation/Time-Sharing**.

**THIS PACKET DOES NOT ADDRESS SHARED PARENTAL RESPONSIBILITY. IF YOU ARE SEEKING SHARED PARENTAL RESPONSIBILITY, YOU SHOULD FILE THE APPROPRIATE PACKET FOR ESTABLISHING PATERNITY, EVEN IF PATERNITY HAS BEEN ESTABLISHED PREVIOUSLY**

Filing fees, fees for service by the Sheriff's Office and other costs are involved in this action. If you cannot afford these fees, you may qualify for indigent status. You must request a **Civil Application for Determination of Indigent Status** from the Clerk's Office. If you meet the criteria for indigency, filing fees will be waived. If you do not meet the criteria, a payment plan can be set up for you. You must request a form, **Civil Partial Payment Agreement**, from the Clerk of Court to enroll in this plan.

**Please read the General Information for Self-Represented Litigants in the front of your packet before proceeding. You cannot be given a hearing date until all required forms have been filed with the Clerk of Court and all allowed time periods for filing information have passed.**

## Definitions:

Petitioner: Individual making written request.

Respondent: Individual receiving or answering a written request.

- You must have the respondent's current home or employment address to be able to serve him/her with your pleadings.

The following is a checklist of forms and requirements. Specific instructions are available with each form to insure that you complete them correctly. **You may need to obtain additional forms depending on your circumstances.** The questions that follow this checklist may help you to determine what additional forms you may need. Additional forms may be obtained from the Santa Rosa County Courthouse, 6865 S.W. Caroline Street, Milton, Florida, (850) 981-5552 or can be downloaded from the internet at [www.flcourts.org](http://www.flcourts.org).

## Information and documents to be filed (you may want to use this as a checklist):

1. \_\_\_\_\_ Form 12.928 **Cover Sheet for Family Law Cases**
2. \_\_\_\_\_ Form 12.900(h) **Notice of Related Cases**
3. \_\_\_\_\_ **Petition to Establish Visitation/Time-Sharing with Minor Child(ren)**
4. \_\_\_\_\_ **Notice and Acknowledgment of Limitation of Services Provided** (must be filed with the petition)
5. \_\_\_\_\_ Form 12.902(d) **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**
6. \_\_\_\_\_ Form 12.910(b) **Process Service Memorandum or Acceptance and Waiver of Service of Process of Summons** (when the parties agree to waive service). The Summons is **not** provided in this packet. The Clerk of Court will prepare the Summons for you.
7. \_\_\_\_\_ Form 12.915 **Designation of Current Mailing and Email Address**
8. \_\_\_\_\_ Form 12.900(a) **Disclosure from Non-lawyer** If anyone other than a lawyer helps you to complete any of the forms, you must file
9. \_\_\_\_\_ **Order Establishing Visitation/Time-Sharing** (leave items the Judge will decide blank)
10. \_\_\_\_\_ Form 12.995(a) **Parenting Plan**

### **Where do I file the forms?**

Once you have completed the Petition and other required documents (forms 1-10 above) you must file the originals with the Clerk of Court, Domestic Relations Division located at the Santa Rosa County Courthouse, 6865 S.W. Caroline Street, Milton, Florida (850) 981-5552

### **What do I do after I have filed?**

If service is needed, the Clerk will issue the Summons along with attachments to the other party. The Summons informs the respondent that he/she will have 20 days to respond to your petition. If the respondent lives in Santa Rosa County, take the Summons with attachments to the Santa Rosa County Sheriff's Office, Civil Division, for service of process on the respondent. The Sheriff's Office will send a Return of Service to you and/or to the clerk of Court, stating whether the respondent was or was not served. If the respondent lives in another county, he/she must be served by the Sheriff's Office or a certified process server in that county and the Return of Service will be sent to you and you will have to file it with the Clerk of Court.

### **What if the parties agree to the visitation/time-sharing?**

If the parties are in agreement, then the respondent may waive service by the Sheriff's Department by signing an **Acceptance and Waiver of Service of Process by Sheriff**. He/She must also file an **Answer** agreeing to the time-sharing requested in the Petition or the parties can file a **stipulated agreement** that is signed by both parties.

### **What if the respondent does not answer or file the necessary forms?**

Once the respondent has been served or waived service, he/she will have 20 days to file an **Answer to Petition** or an **Answer and Counterpetition**. If the Counterpetition is filed, you may then file Form 12.903(d) **Answer to the Counterpetition**. If the respondent fails to answer your original petition within the 20 days allowed. You must file Form 12.922(a) **Motion for Default** and Form 12.912(b) **Non Military Affidavit** (if you are certain the other party is not in the military).

### **How do I get a hearing date?**

When all the requirements have been met, file your **Request for Hearing** with the Clerk of Court. Your case will be reviewed and a Case Status Report will be provided to you giving you further instructions or a hearing will be set. Your case will be handled in the order in which it was received. The Pro Se Coordinator may be reached at (850) 981-5588, located at the Santa Rosa County Courthouse.

#### NOTICE OF LIMITATION OF SERVICES PROVIDED

The list of forms and procedural information should be considered as a guideline and not legal advice. It is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets or liabilities.

The personnel in the self-help program are not acting as your lawyer or providing legal advice to you. Self-help personnel are not acting on behalf of the Court or any Judge. The presiding judge in your case may require amendment of a form or substitution of a different form other than any you may have obtained from the clerk's office, the self-help office or legal forms provider. The form(s) you file are only a request of the Court. The judge is not required to grant the relief requested in a form. The personnel in this self-help program cannot tell you what your legal rights or remedies are, represent you in court or tell you how to testify in court. Self-help services are available to all persons who are or will be parties to a family case. The information you give to and receive from self-help personnel is not confidential and may be subject to disclosure at a later date. Nothing you may tell family court personnel is confidential. If another person involved in your case seeks assistance from the self-help program, that person will be given the same type of assistance you receive.

**If you are a person with a disability who needs any accommodations in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact: Court Administration, ADA Liaison, Santa Rosa County, 6865 Caroline Street, Milton, Florida 32570 Phone (850) 623-3159 Fax (850) 983-0602 , [ADA.SantaRosa@flcourts1.gov](mailto:ADA.SantaRosa@flcourts1.gov) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or**