

PETITION FOR
TEMPORARY LEGAL
CUSTODY

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.

COURT ADMINISTRATION, FIRST JUDICIAL CIRCUIT OF FLORIDA
SELF-HELP PACKET FOR FILING PETITION FOR TEMPORARY LEGAL CUSTODY

Before you file a Petition for Temporary Legal Custody, please read the instruction sheet on **General Information for Self-Represented Litigants with this instruction sheet**. This action is for extended family members and assumed fathers that have not had paternity established only.

There will be filing fees, fees for service by the Sheriff's Office and other costs involved in this action. If you cannot afford these fees, you may qualify for a payment plan for filing fees only. You must request a Civil Affidavit/Application for Indigent Status from the Clerk of Court and file it along with a Civil Partial Payment Agreement. Based upon these documents, the Clerk of Court will determine if you meet the criteria for indigency. If you meet the criteria, a Determination of Indigent Status will be provided to you and the Clerk will determine the Partial Payment Agreement for the filing fee.

Following is a checklist of forms and requirements. Specific instructions are available for 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 determine additional forms you may need. Additional forms may be obtained from the Santa Rosa County Clerk of Court, Domestic Relations Division, located at 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.

REQUIRED INFORMATION DOCUMENTS TO BE FILED (YOU MAY WANT TO USE THIS AS A CHECKLIST)

1. _____ Verified Petition for Temporary Legal Custody
2. _____ Notice and Acknowledgment of Limitation of Services Provided (must be filed with the petition)
3. _____ Parental Consent to Temporary Legal Custody, if possible (both parents)
4. _____ Certified copy of the child's birth certificate
5. _____ Final Judgment for Temporary Legal Custody (must be accurately and neatly typed for the Judge to sign)
6. _____ Form 12.900(a) Disclosure from Non-Lawyer (if a person who is not a lawyer helped you complete your paperwork)
7. _____ Notice of Hearing. Once you have a hearing date, you must file the Notice of Hearing and provide a copy to both of the minor child(ren) parents.

Where to file the forms?

Bring the original Petition and Consent forms to the Clerk of Court, Domestic Relations Division, located at the Santa Rosa Courthouse, 6865 S.W. Caroline Street, Milton, Florida (850)981-5552 to be filed along with two (2) additional copies.

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. You may also want to attach a blank Financial Affidavit and Notice of Social Security Number to the Summons for the respondent to complete. 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 Return of Service will be sent to you and you will have to file it with the Clerk of Court.

What if I cannot locate the respondent or he/she lives outside the state and cannot be personally served?

If you have no way of locating the birth parent(s), you must use what is called constructive service or publication. Constructive service is allowed only when the other party has never lived in Florida and you do not know where they are. If you have a last known Florida address, you must attempt personal service first, before you can use constructive service. The requirements for service on the respondent are complex so please read the information provided on service carefully. **IMPORTANT: The court may have limited jurisdiction in your case if you used constructive service on the respondent.** For constructive service you will need to file the following with the Clerk: Form 12.913(b) **Affidavit of Diligent Search** and Inquiry and Notice of Action for Temporary Legal Custody. The Notice must be published with a qualified local newspaper at least once per week for four (4) consecutive weeks (ask the clerk for a list of qualified newspapers). In addition, if you do not know if the respondent is on active duty in the United States Military, you will need to fill out form 12.912(a) **Memorandum for Certificate of Military Service** and mail one copy to each of the military branches (you may ask the Clerk or Pro Se staff for further instructions). If you cannot afford to pay to publish the Notice, you will need to file an Affidavit of Indigency, Form 12.902(a). If the Clerk determines that you cannot afford these fees, they will post your Affidavit in a designated place for the required four-week period.

What if the other Parent(s) does not file an answer or submit required documents?

Once the parent(s) has been served or waived service, he/she will have 20 days to file an answer. If he/she fails to answer, then you may file for 12.922(a) **Motion for Default** and request a hearing.

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 a hearing date or further instructions. The Pro Se Coordinator may be reached at (850)981-5588, located at the Santa Rosa County Courthouse.

If you are a person with a disability who needs any accommodation 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 FL 32570 Phone 850-623-3159 Fax 850-982-0602 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 voice impaired, call 711.