

**PETITION TO ESTABLISH
VISITATION AND SHARED
PARENTAL
RESPONSIBILITY**

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

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 nor the Clerk are attorneys and cannot give you legal advice, represent you in court, tell you what to say, do or write, or tell you about your legal rights and remedies.
- The Pro Se Coordinator can give information and guidance on how the court systems 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 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 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.
 - Arrangements should be made in advance for the care of minor children. 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 outburst. 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 find and/or incarcerated.

COURT ADMINISTRATION, FIRST JUDICIAL CIRCUIT OF FLORIDA
SELF-HELP PACKET FOR PETITION TO ESTABLISH VISITATION
AND SHARED PARENTAL RESPONSIBILITY

If the Court has entered an order establishing paternity and/or child support and the parties were never married or the parties divorced but visitation rights were not established in the Final Judgment of Dissolution of Marriage, you may file a Petition to Establish Visitation and Share Parental Responsibility. 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 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.

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 a 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.
- You must get your case number and division from the Clerk of Court and write it on the front of each document you file.
- The attached Shared Parenting Schedule is used in most cases. Please review this form.

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 to 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.

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

1. _____ Petition to Establish Visitation and Shared Parental Responsibility
2. _____ Notice and acknowledgment of Limitation of Services Provided (must be filed with the petition)
3. _____ Form 12.902(d) Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit
4. _____ 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.
5. _____ Notice of Permanent Mailing Address (need two – one from each party)

6. _____ If anyone other than a lawyer helps you to complete any of the forms, you must file Form 12.900(a) Disclosure from Non-Lawyer

7. _____ Final Judgment (leave items the Judge will decide blank)

Where do I file the forms?

Once you have completed the Petition for Dissolution and other required documents, 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. Keep a copy for your records.

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 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 the Petition of Dissolution of Marriage or an Answer and Counter-Petition. If a Counter-Petition is filed, you may then file Form 12.903(d) Answer to Counter-Petition. 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) Nonmilitary 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 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.