

SELF-HELP PACKET FOR PETITION TO DISESTABLISH PATERNITY AND/OR TERMINATING CHILD SUPPORT

If the Court or Department of Revenue has entered an order establishing paternity, and/or child support of a minor child(ren) and you have newly discovered evidence related to the paternity of the child, you may file a **Petition to Disestablish Paternity and for Related Relief**. Please read the instruction sheet on General Information for Self Represented Litigants before proceeding.

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 waiver of some or all of the fees. You must request an **Affidavit of Indigency, Form 12.902(a)** from the Clerk of Court and file it along with a **Financial Affidavit, Form 12.902(b)** and proof of income for three (3) months prior to the date the petition is filed. Based upon these documents, the Clerk of Court will determine if you meet the criteria for indigency. If you meet the criteria, a Certified Certificate of Indigency will be provided to you and the Clerk will waive the filing fee. You will need to provide the Certificate of Indigency along with the Summons and attachments to the Sheriff's office, for a potential waiver of the service fee.

*****IF the Department of Revenue, Child Support Enforcement represents the other party, you are required to serve, by hand delivery, a copy of your documents to the Legal Service Unit, P.O. Box 2250, Crestview, Florida 32539, ATTN: LEGAL SERVICE UNIT.**

Definitions

Petitioner:	Individual making a written request.
Respondent:	Individual receiving or answering written request.

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

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, Family Law 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. _____ Form 12.951(a) **Petition to Disestablish Paternity and/or Terminating Child Support Obligation**
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** (must be notarized or witnessed by clerk)
4. _____ Form 12.910(a) **Summons** and Form: 12.910(b) **Process Service Memorandum or Acceptance of Service and Waiver of Service of Process by Sheriff** (when the parties agree to waive service by the sheriff). If the party lives in another county, the Summons and Process Service Memorandum need to be served by a sheriff or certified process servicer in that county. The Clerk of Court will prepare the summons for service in Santa Rosa County.

5. _____ **Any other order of the court relating to custody, visitation or child support** of the dependent or minor children of this marriage, must be filed along with the Petition for Dissolution of Marriage.
6. _____ Form 12.951(b) **Order Disestablishing Paternity and/or Terminating Child Support Obligation** (must be accurately and neatly typed for the Judge to sign) The required composition of the Order Disestablishing may be complex and you may need assistance from a lawyer or forms provider.

BRING THE ORIGINAL ORDER DISESTABLISHING PATERNITY AND/OR TERMINATING CHILD SUPPORT OBLIGATION TO THE CLERK OF COURT AT LEAST ONE WEEK PRIOR TO YOUR HEARING. THIS FORM MUST BE ACCURATELY TYPED OR VERY NEATLY HANDWRITTEN AND IN GOOD CONDITION FOR THE JUDGE TO SIGN.

Where do I file the forms?

Once you have completed the required documents, you must file the original documents with the Clerk of Court, Family Law Division located at the Santa Rosa County Courthouse, 6865 S.W. Caroline Street, Milton, Florida (850) 981-5552. Your documents will be filed, stamped and returned to you. You will keep these copies 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 the Return of Service will be sent to you and you will have to file it with the Clerk of Court.

What if the Respondent denies in his answer that he is the biological parent of the child?

If the other party denies being the parent of the child, either party may file form 12.983(e) **Motion for Scientific Paternity Testing** and request a hearing on the matter. Make certain you provide a copy of the Motion for Scientific Paternity Testing to the other party in the case.

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. If the respondent fails to answer your original petition with the 20 days allowed, you may 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 required documents have been completed and required time periods have passed and you believe your case is ready for a final hearing, file your Request for Hearing with the Clerk of Court. If a hearing is set, you will be notified by mail. The Pro Se Coordinator may be reached at (850) 981-5588, located at the Santa Rosa County Courthouse.

NOTICE OF LIMITATION OF SERVICES PROVIDED

This 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 this self-help program are not acting as your attorney 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 form(s) or substitution of a different form other than any you may have obtained from the clerk's office, the self-help office or a 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 a 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 cases seeks assistance from this self-help program, that person will receive the same service provided to you.

Clerk's Office Family Law Division: 850-981-5552

Family Pro Se Coordinator: 850-981-5588

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 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.