

INSTRUCTIONS FOR PETITION TO ESTABLISH PARENTING PLAN WITH TIME-SHARING SCHEDULE WITH MINOR CHILD(REN) OF PARENTS WHO WERE NEVER MARRIED

When should this form be used?

If paternity has been established by final judgment in a child support enforcement proceeding filed by the Department of Revenue, or other IV-D child support enforcement agency, or by an acknowledgement of paternity signed in conformity with §742.10(1), Florida Statutes, a parent who was never married to the other parent may use this form to establish parental responsibility and to obtain a parenting plan with a time-sharing schedule. **If the Department of Revenue has not filed a paternity action, or paternity has not been established, the parent must file a Petition to Determine Paternity and for Related Relief, Florida Supreme Court Approved Family Law Form 12.983(a).** This form is only appropriate when paternity has previously been established by a Court of appropriate jurisdiction. You should consult a family law attorney before you file your petition. If you use the wrong form, the Court may dismiss the case.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a notary public or deputy clerk. You should file this form in the county where the original order or judgment was entered. If the order or judgment was entered in another state, or if the child(ren) live(s) in another state, you should speak with an attorney about where to file this form. You should file the original with the Clerk of the Circuit Court and keep a copy for your records.

IMPORTANT INFORMATION REGARDING E-FILING

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

What should I do next?

For your case to proceed, you must properly notify the other party in your case of the petition. If you know where he or she lives, you should use personal service. If you absolutely do not know where he or she lives, you may use constructive service. You may also be able to use constructive service if the other party resides in another state or country. However, if constructive service is used, other than granting a dissolution of marriage, the Court may only grant limited relief. For more information on constructive service, see **Notice of Action for Family Cases with Minor Child(ren)**, Florida Supreme Court Approved Family Law Form 12.913(a)(2) and **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b). 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 service is very complex and you may wish to consult an attorney regarding these issues.

If personal service is used, the other party has 20 days to answer after being served with your petition. Your case will then generally proceed in one of the following three ways:

DEFAULT... If after 20 days, no answer has been filed, you may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the Clerk of Court, if you have filed all of the required papers, you may call the clerk, **family law intake staff**, or **judicial assistant** to set a **final hearing**. You must notify the other party of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

UNCONTESTED... If the **respondent** files an answer that agrees with everything in your petition or an answer and waiver, **and** you have filed all of the required papers, you may call the clerk, family law intake staff, or judicial assistant to set a final hearing. You must notify the other party of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

CONTESTED... If the respondent files an answer or an answer and **counterpetition**, which disagrees with or denies anything in your petition, **and** you are unable to settle the disputed issues, you should file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924, after you have filed all of the required papers. Some circuits may require the completion of **mediation** before a final hearing may be set. Then you should contact the clerk, family law intake staff, or judicial assistant for instructions on how to set your case for **trial** (final hearing). If the respondent files an answer and counterpetition, you should answer the counterpetition within 20 days using an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.903(d).

Where can I look for more information?

Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms. The words that are in **“bold underline”** in these instructions are defined there. For further information, see chapter 61, Florida Statutes.

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition 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.

Special notes...

If you do not have the money to pay the filing fee, you may obtain an Application for Determination of Civil Indigent Status from the clerk, fill it out, and the clerk will determine whether you are eligible to have filing fees deferred.

With this form, you must also file the following:

- **Notice of Related Cases**, Florida Family Law Rules of Procedure Form 12.900(h)
- **Civil Cover Sheet**, Florida Family Law Rules of Procedure Form 12.928
- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).
- **Parenting Plan**, Florida Supreme Court Approved Family Law Form, 12.995(a) or 12.995(b). If the parties have reached an agreement, the Parenting Plan should be signed by both parties. If you have not reached an agreement, a proposed Parenting Plan may be filed.
- **Notice of Social Security Number**, Florida Supreme Court Approved Family Law Form 12.902(j), if not previously filed.

IF YOU ASK FOR CHILD SUPPORT:

- **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e) if you are seeking to modify child support. (If you do not know the other party's income, you may file this worksheet after his or her financial affidavit has been served on you.)
- **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c).

Parenting Plan and Time-Sharing... If you and the respondent are unable to agree on parenting arrangements and a time-sharing schedule, a judge will decide for you as part of establishing a parenting plan. The judge will decide the parenting arrangements and time-sharing schedule based on the child(ren)'s best interests. Regardless of whether there is an agreement, the Court reserves jurisdiction to modify issues relating to the minor child(ren).

The judge may request a **parenting plan recommendation** or appoint a **guardian ad litem** in your case. This means that a neutral person will review your situation and report to the judge concerning parenting issues. The purpose of such intervention is to be sure that the best interests of the child(ren) is (are) being served. For more information, you may consult section 61.13, Florida Statutes.

A **parenting course** must be completed prior to entry of a final judgment. You should contact the clerk, family law intake staff, or judicial assistant about requirements for parenting courses or mediation where you live.

Listed below are some terms with which you should become familiar before completing your petition. **If you do not fully understand any of the terms below or their implications, you should speak with an attorney before going any further.**

- Shared Parental Responsibility
- Sole Parental Responsibility
- Supervised Time-Sharing
- No contact
- Parenting Plan
- Parenting Plan Recommendation
- Time-Sharing Schedule

Nonlawyer... Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Petitioner,

and

Respondent.

_____ /

**PETITION TO ESTABLISH PARENTING PLAN WITH TIME-SHARING SCHEDULE WITH
MINOR CHILD(REN) OF PARENTS WHO WERE NEVER MARRIED**

Petitioner, *{full legal name}* _____,
____ Mother or ____ Father, being sworn, certifies that the following information is true:

1. I request that the Court establish parental responsibility and a Parenting Plan with a time-sharing schedule for the following minor child(ren):

Name

Birth Date

1. _____

2. _____

3. _____

4. _____

2. The children have resided continuously in the State of Florida for six (6) months before this petition was filed. A Uniform Child Custody Jurisdiction Act Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d) is filed with this petition.

3. Petitioner's current address is: *{street address, city, state}* _____

4. Respondent's current address is: *{street address, city, state}* _____

5. The Petitioner and Respondent were never married to each other.

6. Paternity was established by:

a. ___ Final Judgment of Paternity or Court Order on *{date of order}* _____ in _____
_____ County, Florida, Case Number _____.

or

b. ___ an Acknowledgement of Paternity signed in conformity with §742.10(1), Florida Statutes. Attach a copy of the Birth Certificate or Acknowledgment of Paternity.

7. The minor child(ren) currently reside(s) with _____ Petitioner _____ Respondent.

8. **Parental Responsibility.** It is in the child(ren)'s best interests that parental responsibility be:
{choose only one}

a. ___ shared by both Petitioner and Respondent.

b. ___ awarded solely to _____ Petitioner _____ Respondent.

Shared parental responsibility would be detrimental to the child(ren) because:

9. **Parenting Plan and Time-Sharing.** It is in the child(ren)'s best interests that:
{choose only one}

a. ___ The attached proposed Parenting Plan should be adopted by the Court. The parties ___ have ___ have **not** agreed to the Parenting Plan.

b.

c. ___ The Court should establish a Parenting Plan with the following provisions:

1. ___ No time-sharing for the _____ Petitioner _____ Respondent

2. ___ Limited time-sharing with the _____ Petitioner _____ Respondent

3. ___ Supervised time-sharing for the _____ Petitioner _____ Respondent

4. ___ Supervised or third-party exchange of the child(ren).

5. ___ Time-sharing schedule as follows:

10. **Child Support.**
{choose only one}

a. ___ Petitioner does **not** request the establishment of child support.

b. ___ Child support in the amount of \$ _____ per _____ was established in Case Number _____ by the judge in _____
_____ *{city, county, and state}*. Attach a copy of the order establishing child support.

- c. _____ Petitioner requests that the Court award child support as determined by Florida's Child Support Guidelines, Section 61.30, Florida Statutes. A completed **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e), is, or will be, filed. Such support should be ordered retroactive to:

_____ the date of the filing of this petition.

_____ other: *{date}* _____ *{explain}* _____

11. **IRS Income Tax Exemption(s)**. The assignment of any tax exemptions for the child(ren) shall be as follows: *{explain}* _____

12. _____ Petitioner requests that medical/dental insurance for the minor child(ren) be provided by: *{choose only one}*

a. _____ Petitioner.

b. _____ Respondent.

13. _____ Petitioner requests that uninsured medical/dental expenses for the child(ren) be paid by: *{choose only one}*

a. _____ Petitioner.

b. _____ Respondent.

c. _____ Petitioner and Respondent each pay one-half.

d. _____ Petitioner and Respondent each pay according to the percentages in the **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e).

e. _____ Other *{explain}*: _____

14. _____ Petitioner requests that life insurance to secure child support be provided by: *{choose only one}*

a. _____ Petitioner.

b. _____ Respondent.

c. _____ Both.

PETITIONER'S REQUEST:

1. Petitioner requests a hearing on this petition and understands that he or she must attend the hearing.
2. Petitioner requests that the Court enter an order that: *[Indicate all that apply]*
 - a. _____ establishes a Parenting Plan containing provisions for parental responsibility and time-sharing for the minor or dependent child(ren);

- b. _____ awards child support, including medical/dental insurance coverage for the minor child(ren);
- c. _____ other relief as follows: _____

 _____ and grants such other relief as may be appropriate and in the best interests of the minor child(ren).

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: _____

 Signature of Party
 Printed Name: _____
 Address: _____
 City, State, Zip: _____
 Telephone Number: _____
 Fax Number: _____
 Designated E-mail Address(es): _____

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 public or clerk.}

_____ Personally known
 _____ Produced identification
 Type of identification produced _____

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 Petitioner.
 This form was completed with the assistance of:
 {name of individual} _____,
 {name of business} _____,
 {address} _____,
 {city} _____, {state} _____, {zip code} _____, {telephone number} _____.