

**THIRTEENTH JUDICIAL CIRCUIT
FAMILY LAW DIVISION**

PETITION FOR TEMPORARY LEGAL CUSTODY OF MINOR CHILD(REN)
BY EXTENDED FAMILY MEMBER

**SELF-HELP INSTRUCTIONS FOR
PACKET # 27**

NOTICE TO PARTIES WHO ARE NOT REPRESENTED BY AN ATTORNEY WHO IS A MEMBER IN
GOOD STANDING OF THE FLORIDA BAR

Legal matters can be very complex. If you have questions or concerns about these forms, commentary, instructions, and appendices, the use of these forms, or your legal rights, it is strongly recommended that you talk to an attorney. If you do not know an attorney, you may call the Lawyer Referral Service at 221-7780. If you do not have the money to hire an attorney, you may call Bay Area Legal Services at 232-1343. You may also obtain legal information at the Legal Information Center at the Hillsborough County Courthouse, call 864-2280 for the hours of operation.

All instructions and forms distributed by the Thirteenth Judicial Circuit are provided merely as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se litigants with their cases. The Thirteenth Judicial Circuit does not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form as drafted. Any person using these instructions and/or forms does so at his or her own risk, and the Thirteenth Judicial Circuit shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

In no event will the Florida Supreme Court, the Florida Bar, or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any direct, indirect, or consequential damages resulting from their use.

 **NOTE:** See instructions below for which forms and steps you may need to follow before you begin.

THE FOLLOWING FAMILY LAW FORMS ARE CONTAINED IN THIS PACKET:

<u>FORM #</u>	<u>FORM NAME</u>
Appendix C	General Information for Pro Se Litigants - Family Law Glossary of Common Terms and Definitions
	12 Rules of Courtroom Civility 

(Continued on next page)

FORM #

FORM NAME

		Civil Cover Sheet
		Petition for Temporary Custody by Extended Family Member
		Order Granting Temporary Custody
(2)		Consent of Temporary Legal Custody
		Notice of Action (file only if doing service by publication)
12.900(a)	9/21/00	Disclosure From Nonlawyer
12.902(d)	12/19/02	Uniform Child Custody Jurisdiction and Enforcement Affidavit
12.910(a)	1/01	Summons: Personal Service on an Individual
12.910(b)	9/21/00	Process Service Memorandum
12.912(a)	9/21/00	Memorandum of Certificate of Military Service
12.912(b)	9/21/00	Nonmilitary Affidavit (file only if the other party is NOT in the military)
12.913(b)	9/21/00	Affidavit of Diligent Search and Inquiry (file only if doing service by publication)
12.922(a)	9/21/00	Motion for Default (file only if no answer is filed 20 days after service)
12.922(b)	9/21/00	Default (file only if no answer is filed 20 days after service)
12.923	10/01/04	Notice of Hearing (file once a hearing has been set) Must be served on

FILING FEE IS \$255.00

CAUTION

1. Forms are to be completed in block letters or typed. You **MUST** use black ink. **NO EXCEPTIONS!!**
2. Names must be the same on all forms completed by the parties. (No full names on one document and initials on another).

(Continued on next page)

3. This booklet may not contain all the forms you may need to file your case. Additional forms are available in the Clerk's office at each Courthouse location (see locations below) or the Law Library at 501 East Kennedy Blvd. You may also obtain forms on our website at: www.fljud13.org **OR** the Florida Supreme Court website at: www.flcourts.org.
4. The Case Management Unit **cannot** suggest specific information to be included in the blanks on your forms or fill out forms for you.

IF BOTH PARENTS ARE IN AGREEMENT
FOLLOW THESE STEPS:

1. The **petitioner** should fill out the following forms in black ink and have them notarized:

Petition for Temporary Custody	Civil Cover Sheet
12 Rules of Courtroom Civility	12.902(d) UCCJEA
2. The petitioner should file the originals in the Clerk's office and pay the filing fee. **Each form should have all pages stapled together before filing.**
3. The consenting parent should fill out the Consent for Temporary Legal Custody (one for each parent) and make copies of the consent for their personal file and send a copy to the petitioner. File the original Consent for Temporary Legal Custody with the clerk's office. The consent should not pre-date the petition.

THE PETITIONER WILL BE NOTIFIED BY MAIL REGARDING A COURT DATE
OR ON THE STATUS OF THE CASE

Once a hearing date has been scheduled, the petitioner should fill out form **Notice of Hearing (Form 12.923) and Summons (Form 12.910(a))**. The original Notice of Hearing should be filed in the clerk's office. The clerk will issue the Summons (Form 12.910(a)). Attach a copy of the Notice of Hearing to the summons and bring it to the sheriff or process server to have it served on the consenting parent(s). A copy **must be served** to the parent(s).

IF HAVING EITHER PARENT SERVED
FOLLOW THESE STEPS:

1. The **petitioner** should fill out the following forms in black ink and have them notarized:

Petition for Temporary Custody	
Civil Cover Sheet	12.910(a) Summons
12 Rules of Courtroom Civility	12.910(b) Process Service Memorandum
12.902(d) UCCJEA	12.912(b) (see form instructions)
2. The petitioner should make 2 copies of the above documents, one copy for the petitioner's personal records and one copy to attach to the summons for the respondent. (Copies are available for a fee in the Court Business Center in the main courthouse).

3. The petitioner should file the originals in the Clerk's office and pay the filing fee. **Each form should have all pages stapled together before filing.**
4. The Clerk will issue the **Summons (Form 12.910(a))** and give it back to the petitioner.
5. The petitioner should attach one set of copies to the **Summons (Form 12.910(a))** and take the Summons and **form Process Service Memorandum (Form 12.910(b))** to the sheriff or process server in the county where the non consenting parent resides.

**THE PETITIONER WILL BE NOTIFIED BY MAIL REGARDING A COURT DATE
OR ON THE STATUS OF THE CASE**

PART 2

1. If the respondent **has not** filed an answer, 20 days after they have been served, forms **Motion for Default (Form 12.922(a))**, and **Default (Form 12.922(b))** may be filed by the petitioner.

If filing your Motion for Default and Default by mail, please make sure your case number and division are on the forms. Mail to: Clerk of the Circuit Court, P.O. Box 3450, Tampa, Florida 33601-3450.

If either party is represented by an attorney, the hearing date will need to be set by the petitioner directly with the judge's office.

Once a hearing date has been scheduled, the petitioner should fill out form **Notice of Hearing (Form 12.923)** and **Summons (Form 12.910(a))**. The original Notice of Hearing should be filed in the clerk's office. The clerk will issue the Summons (Form 12.910(a)). Attach a copy of the Notice of Hearing to the summons and bring it to the sheriff or process server to have it served on the non consenting parent(s). A copy **must be served** to the parent(s).

IF DOING SERVICE BY PUBLICATION
(you do not know where one or both of the parent(s) are)
FOLLOW THESE STEPS:

1. The petitioner should fill out the following forms in black ink and have them notarized:

Petition for Temporary Custody	12.902(d) UCCJEA
Civil Cover Sheet	12.912(a) OR 12.912(b)
12 Rules of Courtroom Civility	12.913(b) Affidavit of Diligent Search
Notice of Action (this form should read " NOTICE OF ACTION FOR PETITION FOR TEMPORARY CUSTODY ")	

2. The petitioner should make one set of copies of all documents for the petitioner's personal records (Copies are available for a fee in the Court Business Center in the main courthouse).
3. The petitioner should file originals in the Clerk's office and pay the filing fee. **Each form should have all pages stapled together before filing.**
4. The Clerk will sign the **Notice of Action** and give it back to the petitioner.
5. The petitioner should take the **Notice of Action** to the **HILLSBOROUGH COUNTY** newspaper or publication where it will be published.

**THE PETITIONER WILL BE NOTIFIED BY MAIL REGARDING A COURT DATE
OR ON THE STATUS OF THE CASE**

PART 2

1. If no answer has been filed by the date listed on the Notice of Action, forms **Motion for Default (Form 12.922(a))**, **Default (Form 12.922(b))**, and **Proof of Publication** (copy of the ad) may be filed by the petitioner after that date.

If filing your Motion for Default, Default, and Proof of Publication by mail, please make sure your case number and division are on the forms. Mail to: Clerk of the Circuit Court, P.O. Box 3450, Tampa, FL 33601-3450.

If either party is represented by an attorney, the hearing date will need to be set by the petitioner directly with the judge's office.

DRESS APPROPRIATELY FOR COURT. NO SHORTS, TANK TOPS, OR SANDALS.

YOU MAY FILE AND PURCHASE FORMS AT THE FOLLOWING LOCATIONS:

HILLSBOROUGH COUNTY COURTHOUSE - MAIN LOCATION

Clerk of the Circuit Court
800 E. Twiggs Street, 1st Floor
Tampa, Florida 33602

BRANDON LOCATION - SATELLITE OFFICE

Clerk of the Circuit Court
10065-A E. Adamo Drive
Brandon, Florida 33619

PLANT CITY - HILLSBOROUGH COUNTY OFFICE BUILDING

Clerk of the Circuit Court
302 N. Michigan
Plant City, Florida 33566