

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 acknowledgment 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. This form is only appropriate when the parents are unable to have the issues of parenting time decided in the paternity action. You should consult a family law attorney before you file your petition. If you use the wrong form, the court may dismiss the case.

What should I do next?

The petition and all other required forms must be typed or printed in black ink. After completing the forms, you should sign the forms before a notary public or deputy clerk. You must file the original with the clerk of the circuit court in the county where you live and keep a copy for your records. In addition to this petition, you **must** also complete and file the following forms:

- Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d). Form must be completed, signed and notarized and served with the summons.
- Notice of Related Cases, Florida Family Law Rules of Procedure Form 12.900(h).
- Civil Cover Sheet, Florida Rules of Civil Procedure, Form 12.928.
- Parenting Plan, Florida Supreme Court Approved Family Law Form 12.995(a) or Supervised/Safety Focused Parenting Plan, Form 12.995(b). If the parents have reached an agreement, a signed and notarized Parenting Plan should be attached. If the parents have not reached an agreement, a proposed Parenting Plan may be attached.

IF YOU ASK FOR CHILD SUPPORT:

- Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c).
- Certificate of Compliance with Mandatory Disclosure, Florida Family Law Rules of Procedure Form 12.932. (This must be filed within 45 days of service of the petition on the respondent, unless you filed it with your petition). You do not need to file this form if you and the other party have agreed not to exchange these documents.
- Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form, 12.902(e), if you are asking for child support to be established. If you do not know the other's parties income, you may file this worksheet after his or her financial affidavit has been served on you.

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. You must arrange for the Sheriff or a process server to serve the other parent with a copy of the petition and a summons. 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, the court cannot order child support. For more information on constructive service, see Notice of Action for Dissolution of Marriage, 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 you need to use constructive service, use the Notice of Action for Dissolution of Marriage, Florida Supreme Court Approved Family Law Form 12.913(a), after striking through "for Dissolution of Marriage" and inserting "To Establish Parenting Plan with Time-Sharing Schedule with Minor Child(ren) of Parents Who Were Never Married." 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). The law on service of process is very complex and you should consult an attorney.

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, the other parent has not filed an answer, you may file a Motion for Default, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk of court.

UNCONTESTED ... If the respondent files an answer that agrees with everything in your petition or an answer and waiver, and you have complied with mandatory disclosure and filed all of the required papers, final hearing can be scheduled.

CONTESTED ... If the respondent files an answer or an answer and counterpetition, which disagrees with or denies anything in your petition, you should answer the counterpetition within 20 days using an Answer to Counterpetition, Florida Supreme Court Approved Family Law Form 12.903(d). Mediation may be required before a final hearing is set if you are unable to settle the disputed issues.

FINAL HEARING/NON-JURY TRIAL ... After compliance with mandatory disclosure pursuant to Rule 12.285, Florida Family Law Rules of Procedure, and the filing of all of the required papers, you should file a Motion for Order Setting Final Hearing/Non-Jury Trial. Your case will be sent to Case Management for scheduling before the Judge or General Magistrate.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found in the Family Law Forms section of the Florida Family Law Rules of Procedure. A copy may be obtained from the law library or from the Florida Supreme Court website. For further information, see chapter 61, Florida Statutes.

Special notes...

You must pay the appropriate filing fee to the Clerk of Court. 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. Complete the form and the clerk will determine whether or not you are eligible to have the filing fees deferred or to set up a payment plan.

If a domestic violence case has been filed and you want to keep your address confidential for safety reasons, do not enter the address, telephone, and fax information at the bottom of this form. Instead, file Petitioner's Request for Confidential Filing of Address, Florida Supreme Court Approved Family Law Form 12.980(h).

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
- Parenting Plan
- Parenting Plan Recommendation
- Time-Sharing Schedule
- Supervised Time-Sharing No Contact

Parenting Plan and Time-Sharing ... In all cases involving minor or dependent child(ren), a Parenting Plan shall be approved or established by the court. If you and the other parent have reached an agreement, you should file a Parenting Plan, Florida Supreme Court Approved Family Law Form 12.995(a) or a Supervised Safety Focused Parenting Plan, Florida Supreme Court Approved Family Law Form 12.995(b) which addresses the time-sharing schedule for the child(ren). If you and the other parent 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 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 concern 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.

Parent Education and Family Stabilization Course... Within 45 days after filing, you and the other parent must complete a Parent Education and Family Stabilization Course. In Marion County, if your children are between the ages of six and 17, they must also attend a class for children. You will be given an order that includes a list of the approved programs when you file the petition. A copy of that order must be served on the other parent.

Child Support... The court may order one parent to pay child support to assist the other parent in meeting the child(ren)'s material needs. Both parents are required to provide financial support, but one parent may be ordered to pay a portion of his or her support for the child(ren) to the other parent. Florida has adopted guidelines for determining the amount of child support to be paid. These guidelines are based on the combined income of both parents and take into account the financial contributions of both parents. You must file a Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), and the other parent will be required to do the same. From your financial affidavits, you should be able to calculate the amount of child support that should be paid using the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e). Because the child support guidelines take several factors into consideration, change over time, and vary from state to state, your child support obligation may be more or less than that of other people in seemingly similar situations.

Remember ...

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 12900(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 FIFTH 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

I, {full legal name} _____ the [✓ only one)
() Mother () Father, being sworn, certify that the following statements are true:

1. I request that the Court establish parental responsibility and a Parenting Plan with a time-sharing schedule with the following minor children:

Name	BirthDate	Age	Sex
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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 12902(d) is filed with this petition.
3. The Father and Mother were never married to each other.
4. Paternity was established by: (✓ one only)

a. _____ A Final Judgment of Paternity or Order entered on {date of order} _____
in case number _____.
Attach a copy of the Final Judgment or Order.

OR

b. _____ An Acknowledgment of Paternity signed in compliance with
§742.10(1), Florida Statutes.
Attach copy of the birth certificate or Acknowledgment.

SECTION I. PARENTING PLAN ESTABLISHING PARENTAL RESPONSIBILITY and TIME-SHARING SCHEDULE

1. It is in the best interests of the child(ren) that parental responsibility be: (√ one only)
 - a. shared by both the Mother and the- Father.
 - b. awarded solely to () Mother () Father. Shared parental responsibility would be detrimental to the children because _____

 _____.

2. It is in the best interests of the child(ren) that: (√ one only)
 - a. The attached proposed Parenting Plan with Time-Sharing Schedule should be adopted by the court. The parties () have () have not agreed to the Parenting Plan.
 - b. The court should establish a Parenting Plan with the following provisions:
 - () No time-sharing for the () Mother () Father.
 - () Limited time-sharing for the () Mother () Father.
 - () Supervised time-sharing for the () Mother () Father.
 - () Supervised or third-party exchange of the children.
 - () Time-sharing Schedule as follows:

SECTION II CHILD SUPPORT (√ one only)

1. The Petitioner not request the establishment of child support.
- OR
2. Child support in the amount of \$ _____ per _____ was established in Case No. _____ by the judge in {city, county , state) _____
 (Attach a copy of the Order establishing child support)
- OR
3. The 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 Laws Rules of Procedure Form 12.902(e), is or will be filed. Such support should be ordered retroactive to:
 - a. the date of filing of this petition.
 - b. Other {date}{ explain} _____

 4. The Petitioner requests that medical/dental insurance coverage for the minor child(ren) be paid by: [√ only one]
 - a. Father
 - b. Mother

5. Petitioner requests that uninsured medical/dental expenses for the child(ren) be paid:
[v only one]

- a. _____ by Father.
- b. _____ by Mother
- c. _____ by Father and Mother each paying one-half.
- d. _____ according to the percentages in the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e).
- e. _____ Other (explain): _____

6. Petitioner requests that life insurance to secure child support be provided by:

- a. _____ Father
- b. _____ Mother
- c. _____ Both

SECTION III. OTHER RELIEF

SECTION IV. PETITIONER'S REQUEST (This section summarizes what you are asking the Court to include in the order.)

Petitioner requests the Court to enter an order: (v all that apply)

- a. _____ establishing parental responsibility, and a Parenting Plan with a time-sharing schedule as requested in Section I of this petition;
- b. _____ establishing child support as requested in Section II of this petition;
- c. _____ granting other relief as requested in Section III of this petition, including any other relief the Court deems necessary and appropriate.

DATED: _____

Signature of Petitioner

Printed name

Mailing Address

City State Zip

Telephone (area code and number)

Email address

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me on {date} _____, 20____
by {name} _____.

NOTARY PUBLIC – STATE OF FLORIDA

[Print, type, or stamp commissioned name of notary]

[check one only]

_____ Personally known

_____ Produced identification

Type of identification produced _____

IF A NON-LAWYER HELPED YOU FILL OUT THIS FORM THEY MUST FILL IN THE BLANKS
BELOW: [fill in all blanks]

I, {name of non-lawyer} _____ a non-lawyer, located at {street}
_____, {city} _____
{state} _____, {phone} _____,
helped {name} _____, who is the [check one only] _____ Petitioner
_____ Respondent, fill out this form.