

INSTRUCTIONS FOR PETITION FOR PARENTING PLAN WITH TIME-SHARING SCHEDULE AND SUPPORT UNCONNECTED WITH DISSOLUTION OF MARRIAGE

When should this form be used?

This form may be used to ask the court to enter an order for support if you and your spouse are separated, and a dissolution of marriage has NOT been filed. If a petition for dissolution of marriage has been filed, you may file a Motion for Temporary Support and Time-Sharing With Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.947(a), instead of this petition.

This petition cannot address the issues of property or debts. It only deals with parental responsibility, time-sharing schedules, child support, and alimony. The petition is for the purpose of entering an order defining where the child(ren) will live, the time-sharing with or access to the child(ren), child support, and, if appropriate, spousal support.

What should I do next?

The petition and all required forms should 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 the Petition, you must also complete and file the following forms with your petition:

- Notice of Related Cases, Florida Family Law Rules of Procedure, Form 12.900(h)
- Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d) if the case involves children. Form must be completed, signed and notarized and served with the summons.
- Civil Cover Sheet, Florida Rules of Civil Procedure, Form 1.997. The clerk's office can provide this form.
- Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j).
- Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or(c).
- 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 filed.
- 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. 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 or alimony.** For more information on constructive service, see Rule

12.070(e)(2) of the Florida Family Law Rules of Procedure; Notice of Action for Dissolution of Marriage, Florida Supreme Court Approved Family Law Form 12.913(a); and Affidavit of Diligent Search and Inquiry, Florida Family Law Rules of Procedure Form 12.913(c). 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 "for Parenting Plan with Time-Sharing and Support Unconnected with Dissolution of Marriage" 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, 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.

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 at the beginning of these forms. The words that are in "bold underline" in these instructions are defined there. For further information, see sections 61.09-61.10, 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, fill it out, and the Clerk will determine whether you are eligible to have 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 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 Schedule
- 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 your spouse 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 your spouse 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 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.

PARENT EDUCATION AND FAMILY STABILIZATION COURSE: Within 45 days after filing, you and the other parent must complete the Parent Education and Family Stabilization Course. The list of courses may be obtained from the Department of Children and Families website www.myflfamilies.com or from the Fifth Judicial Circuit Website www.circuit5.org.

CHILD SUPPORT: Both parents are required to provide financial support for their minor or dependent child(ren). The Court may order one parent to pay child support 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 overnights and take into account the financial contributions of both parents and the number of overnights the child(ren) spend with each parent. You must file a Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), and your spouse 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.

ALIMONY: Alimony may be awarded to a spouse if the judge finds that he or she needs it and that the other party has the ability to pay it. If you want alimony, you must request it in writing in the original petition or counterpetition. If you do not request alimony in writing before the final hearing, you may not request it in the hearing. You may request either permanent alimony, lump sum alimony, or rehabilitative alimony.

TEMPORARY RELIEF. If you need temporary relief regarding child support or temporary alimony, you may file a Motion for Temporary Support and Time-Sharing with Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.947(a). For more information, see the instructions for that form.

REMEMBER.

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 FIFTH JUDICIAL CIRCUIT, IN AND
FOR _____ COUNTY, FLORIDA

Case No. _____

Petitioner

and

Respondent.

**PETITION FOR PARENTING PLAN WITH TIME-SHARING SCHEDULE AND SUPPORT
UNCONNECTED WITH DISSOLUTION OF MARRIAGE**

I, {full legal name} _____ the [one only] () Petitioner
() Respondent, being sworn, certify that the following statements are true:

1. **JURISDICTION**

() Petitioner () Respondent () Both live in Florida at the filing of this Petition for Parenting Plan with Time-Sharing Schedule and Support Unconnected with Dissolution of Marriage, which is filed pursuant to sections 61.09 and 61.10, Florida Statutes.

2. **MILITARY SERVICE**

Petitioner () is () is not a member of the military service.
Respondent () is () is not a member of the military service.

3. **MARRIAGE HISTORY**

Date of marriage: {month, day, year} _____
Place of marriage: {city, state, country} _____
Date of separation: {month, day, year} _____

4. **MINOR CHILD(REN)** [Indicate all that apply]

a. The Petitioner () Respondent () is pregnant.

b. The baby is due on: {date} _____.

c. The minor (under 18) child(ren) common to both parties are:

Name	Birth Date
_____	_____
_____	_____
_____	_____
_____	_____

d. The minor child(ren) born or conceived during the marriage who are not common to both parties are:

Name	Birth Date
_____	_____
_____	_____

The birth father(s) of the above minor child(ren) is (are) *{name and address}* _____

e. The child(ren) common to both parties who are 18 or older but who are dependent upon the parties due to a mental or physical incapacity are:

Name	Birth Date
_____	_____
_____	_____

- 5. A completed Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.9020), is filed with this petition.
- 6. A completed Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), is, or will be, filed.
- 7. A completed Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), is, or will be, filed.
- 8. This case involves time-sharing with a minor child(ren), and a completed Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d), is filed.

SECTION I. SPOUSAL SUPPORT(ALIMONY)

[Choose only one]

- I. Petitioner does not request spousal support (alimony) from Respondent at this time.
- 2. Respondent has the ability to contribute to the maintenance of Petitioner and has failed to do so. Petitioner has a need for support and requests that Respondent pay spousal support (alimony) in the amount \$_____ () week () other week () month, beginning *{date}* and continuing until *{date or event}*_____.

Explain why the Court should order Respondent to pay and any specific request(s) for type of alimony (bridge-the-gap, durational, permanent, rehabilitative, and/or lump sum):

[Choose if applies] () Petitioner requests life insurance on Respondent's life, provided by Respondent to secure such support.

SECTION II. PARENTING PLAN ESTABLISHING PARENTAL RESPONSIBILITY, AND TIME-SHARING SCHEDULE

1. The minor child(ren) currently reside(s) the majority of the time with () Petitioner () Respondent () Other: *{explain}*_____.

2. Parental Responsibility. It is in the child(ren)'s best interests that parental responsibility be: [Choose only one]
____ Shared by both Petitioner and Respondent.
____ Awarded solely to () Petitioner () Respondent. Shared parental responsibility would be detrimental to the child(ren) because:_____

3. Parenting Plan and Time-Sharing Schedule. It is in the best interests of the child(ren) that: [Choose only one]

____ The attached proposed Parenting Plan should be adopted by the court. The parties () have () have not agreed to the Parenting Plan.

____ The Court should establish a Parenting Plan with the following provisions:

- [] No time-sharing for the ___ Petitioner ___ Respondent.
- [] Limited time-sharing with the ___ Petitioner ___ Respondent.
- [] Supervised time-sharing for the ___ Petitioner ___ Respondent
- [] Supervised or third-party exchange of the child(ren)
- [] Time-sharing schedule as follows:

Explain why this request is in the best interests of the child(ren): _____

SECTION III. CHILD SUPPORT

Respondent has the ability to contribute to the maintenance of his or her minor child(ren) and has failed to do so. (Choose all that apply)

____ I. Petitioner requests that the Court award child support as determined by Florida's child support guidelines, section 61.30, Florida Statutes.

____ 2. Petitioner requests that the Court award child support to be paid beyond the age of 18

years because:

a. the following child(ren). *{name(s)}* _____
is (are) dependent because of a mental or physical incapacity which began prior to the age of 18 *{explain}*: _____

b. the following child(ren), *{name(s)}* _____
is(are) dependent in fact and is (are) in high school while he/she (they) are between the ages of 18 and 19; said child(ren) is (are) performing in good faith with reasonable expectation of graduation before the age of 19.

SECTION IV. INSURANCE

1. Petitioner requests that medical/dental insurance coverage for the minor child(ren) be provided by: [Choose only one]

- a. Petitioner
- b. Respondent

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

- a. Petitioner
- b. Respondent
- c. Both parents 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}*: _____

3. Petitioner requests that life insurance to secure child support be provided by: [Choose only one]

- a. Petitioner
- b. Respondent
- c. Both.

SECTION V. OTHER RELIEF

SECTION VI. 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: [Choose all that apply]

- A. Awarding spousal support (alimony) as requested in Section I of this petition;
- B. Establishing parental responsibility, and a Parenting Plan with a time-sharing schedule as requested in Section II of this petition;
- C. Establishing child support as requested in Section III of this petition;

- D. Establish insurance as requested in Section IV of this petition;
- E. Grant other relief as requested in Section V of this petition, including any other relief the Court deems necessary and appropriate.

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 Petitioner
 Printed name: _____
 Mailing Address: _____
 City, State, Zip: _____
 Telephone Number: _____
 Fax Number: _____
 Designated E-Mail Address(es) _____

STATE OF FLORIDA
 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]

[Choose only one]

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]

name of individual _____
{name of business} _____
{address} _____
{city} _____ *{state}* _____ *{zip code}* _____ *{telephone number}* _____