

REQUIRED ITEMS FOR PETITION FOR TEMPORARY / CONCURRENT CUSTODY BY EXTENDED FAMILY

NOTE: Unless otherwise noted, all forms listed below can be found at www.flcourts.org under Self Help - Family Law Forms – Please pay close attention to which forms must be signed and notarized.

___ **Petition** *Form 12.970 (a) or (b)* Please read all directions and complete the petition entirely.

Please pay particular attention to the following:

- The child(ren) named in the Petition must have resided in Florida at least six (6) months prior to the date of filing
- List of all child(ren) and birth dates
- Petitioner(s) must be related to the minor child(ren) within the 3rd degree by blood or marriage to a parent or the stepparent of the minor child(ren) (Florida Statute 751.011(1) **OR** must be an individual who qualifies as “fictive kin. See Florida Statute 39.01”
- **All Parents** must be listed in the Petition
- Petition must be signed and notarized

___ **Coversheet for Family Court Cases** *Form 12.928*

___ **Disclosure from Nonlawyer** *Form 12.900 (a)*

___ **Notice of Social Security Number** *Form 12.902 (j)*

___ **Certified Copy of ALL Minor Child(ren)’s Birth Certificate(s)**

___ **UCCJEA Affidavit** *Form 12.902 (d)* - MUST include child(ren)’s residence for last 5 years (or since birth if under age 5)

___ **Family Law Financial Affidavit** **ALL PARTIES MUST FILE** (choose only one based on **gross** annual income)

- Short form 12.902 (b) gross annual income under \$50,000
- Long form 12.902 (c) gross annual income over \$50,000

___ **Waiver of Service of Process and Consent for Temporary/Concurrent Custody by Extended Family** – File when one or both parents is in agreement with Petition

- **Temporary** – *Form 12.970 (c)*
- **Concurrent** – *Form 12.970 (d)*

___ **Service of Process** on each Parent/Responding party(ies) – Filed when one or both parent(s) does NOT sign a Waiver and Consent

- **PERSONAL SERVICE** - **Summons** *Form 12.910 (a)* - personal service is required if the other party’s whereabouts are known
- **CONSTRUCTIVE SERVICE*** – **Affidavit of Diligent Search** *Form 12.913 (b)* and **Notice of Action** *Form 12.913 (a)(2)* - **BEFORE YOU REQUEST THIS TYPE OF SERVICE, YOU MUST ATTEMPT PERSONAL SERVICE AT THE RESPONDENT’S LAST KNOWN ADDRESS** ****NOTE: This form must be filled out COMPLETELY with supporting documentation to be attached to the affidavit.** After approval of the Diligent Search the Clerk will issue the Notice of Action which will be constructively served one of two ways:
 - **By Publication:** Must publish once a week for four (4) consecutive weeks in a publication in the county of the Court is located [See Florida Statute 49.10 (1)(a)]. Publishing is the Petitioner’s responsibility once the Notice of Action has been issued
 - **By Posting:** if the Petitioner is found indigent by the Clerk of Court, the Clerk of Court will post on Petitioner’s behalf

Please refer to instructions for information on what the court can order when using constructive service

___ **Notice of Related Cases** *Form 12.900 (h)*

___ **Motion for Default and Default** *Forms 12.922 (a and b)* - File when more than twenty (20) days from service has passed and Responding party has NOT filed an Answer or responsive pleading

___ **Motion to Set Final Hearing** Forms are available at www.circuit5.org **PLEASE DO NOT FILE THIS MOTION UNTIL ALL THE ABOVE ITEMS HAVE BEEN FILED**