SELF-HELP PROCEDURES FOR FILING SUPPLEMENTAL PETITION TO MODIFY CUSTODY OR VISITATION AND OTHER RELIEF

If paternity of the minor child(ren) has been previously established by the Court, or if a Final Judgment of Dissolution of Marriage has been entered by the Court AND a substantial change in circumstances has occurred, OR you want the Court to establish custody and visitation of the minor child(ren) because it was not addressed in the Final Judgment for Dissolution of Marriage, you may file a Supplemental **Petition to Modify Custody or Visitation and Other Relief**. Please read the instruction sheet on General Information for Self-Represented Litigants before proceeding.

There are fees for filing this petition and for service by the Sheriff=s Office (if needed). If you cannot pay the fees at the time of filing because of unemployment or insufficient income, you may meet the criteria to be declared indigency. You must complete a Civil Affidavit/Application for Indigent Status with the Clerk of Court. Once you have completed this form, the Clerk of Court will determine if you meet the criteria for indigency. If you meet the criteria, your filing fee will be waived. If obtaining service of process by the Sheriff, you will need to take a copy of the Civil Affidavit/Application to the Sheriff=s Office along with your summons and attachments.

IF the Department of Revenue, Child Support Enforcement Office represents the other party and the issue involves child support and/or change of custody, you are required to serve, by hand delivery, a copy of your documents to Legal Service Unit, P. O. Box 17569, Pensacola, Florida 32522, and a copy to the Department of Revenue, Child Support Enforcement Agency located on AL@ Street. The Department must be involved with all child support matters, including back support.

Definitions

Petitioner: **Individual making a written request.**
Respondent: **Individual receiving or answering written request.**

You must have a current address on the respondent (employer=s address may be used) so that he/she can be served with the petition and other pleadings. The following is a checklist of forms and requirements. Specific instructions are available for each form to assist you in completing them correctly. **You may need to obtain additional forms depending on your circumstances**. The questions that follow this checklist may help you to determine other forms you may need. Additional forms may be obtained from the Clerk of Court, Family Law Division, 1st Floor, M. C. Blanchard Judicial Building, 190 Governmental Center, Pensacola, Florida or most can be downloaded from the Internet at **www.flcourts.org and/or www.escambiaclerk.com.**.

Required information and documents to be filed (you may use this as a checklist):

You must put your **case number and an assigned division on the front page of each pleading.

1.____ Form 12.905 (a**) Supplemental Petition to Modify Custody or Visitation & Other Relief.**

2.____ Form 12.903 (e) **Answer to Supplemental Petition (when the parties agree).**

3.____ Form 12.902 (b) - Individual Income under $50,000 or 12.902(c) - Individual income over $50,000. **Family Law Financial Affidavit (need two - one from each party)**. The respondent has 45 days from the day he/she is served with the petition to file this Affidavit with the Clerk of Court.

4. ____Form 12.932 **Certificate of Compliance with Mandatory Disclosure** (to be filed with the mandatory disclosure documents (i.e., tax returns, pay-stubs, W2's, etc.) **or Agreement to Waive Mandatory Disclosure** (if the parties agree with each others Financial Affidavits).

5.____ Form 12.902(e) **Child Support Guidelines Worksheet.**

6.____ **Memorandum to Clerk**. (Complete all information on this form except the payment information section - may be neatly handwritten). You will need to bring this to Court along with the Final Judgment).

7.____Form 12.902(d) **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit.**

8.____ Form 12.902(j) **Notice of Social Security (one from each party if not already filed).**

9.____Form 12.910(a) **Summons** and Form: 12.910 (b**) Process Service Memorandum or Acceptance of Service and Waiver of Service of Process by Sheriff** (when the parties agree to waive service by the sheriff). If the party lives in another county, the Summons and Process Service Memorandum need to be served by a sheriff or certified process server in that county. The Clerk of Court will prepare the Summons for service by the Escambia County Sheriff's Office.

10. ____ **Waiver of Personal Appearance on Supplemental Petition to Modify Custody or Visitation and Other Relief.** Only court staff can determine if you are eligible to proceed without a hearing. You will be informed of this after you have filed your Request for Hearing/Trial.

11.___ Form12.993(a) **Supplemental Final Judgment Modifying Parental Responsibility/Visitation. THE FINAL JUDGMENT MUST BE TYPED NEATLY AND ACCURATELY FOR THE JUDGE'S SIGNATURE. IF YOUR CASE IS CONTESTED, YOU MAY NEED TO DOCUMENT THE JUDGE'S RULINGS AT THE HEARING AND RETURN A TYPED ORIGINAL FOR HIS/HER REVIEW AND SIGNATURE.** Bring your Final Judgment plus two copies, the Memorandum to Clerk and two (2) self addressed stamped envelopes (one for each party) to your final hearing.

12.____If anyone other than a lawyer helps you to complete any of these forms, you will need to file Form 12.900(a**) Disclosure from Non-lawyer.**

Where do I file the forms?

Once you have completed the required documents, you must file the original documents with the Clerk of Court located at the M.C. Blanchard Building, 190 Governmental Center, 1st Floor, Pensacola, Florida F (850) 595-4331. Keep a copy for your records. Take the Original and a copy to the Clerk-s Office, Family Law Division. Inform the clerk that you are going to have the respondent served, and that you will need a Summons issued.

What if the parties agree to everything?

The parties can agree to the terms of custody and visitation, however, they cannot agree to the amount of child support unless it is pursuant to Child Support Guidelines, Chapter 61.30 of the Florida Statutes. The respondent may waive service by the Sheriff by signing an **Acceptance of Service and Waiver of Service of Process by Sheriff** per item number 9 above. Mandatory Disclosure may also be waived by filing the **Agreement to Waive Mandatory Disclosure** if the parties agree with the financial information provided in the Financial Affidavits and require no further financial documentation (see item number 4 above). The parties should file a Settlement Agreement outlining the agreed upon terms of the custody and/or visitation. There is no specific form for this, but the Marital Settlement Agreement form 12.902(f)(1) provides a format for indicating custody and visitation issue.

What if we want to establish child support different from the guidelines worksheet?

If you want the Court to consider child support that is different than what is established by the child support guidelines worksheet, you may file Form 12.943 **Motion to Deviate from Child Support Guidelines.**

What do I do after I have filed?

If service is needed, the Clerk will issue a Summons and attach the a copy of the petition to it. You may also want to attach a blank Financial Affidavit and Notice of Social Security Number to the Summons for the respondent to complete. **The Summons informs the respondent that he/she will have 20 days to respond to your petition**. If the respondent lives in Escambia County, take the summons with attachments to the Escambia County Sheriff=s Office Civil Division for service of process on the respondent. The Sheriff=s Office will send a Return of Service to you and to the Clerk of Court, stating whether the respondent was or was not served.

What if the respondent does not answer or file the necessary forms?

Once the respondent has been served or waived service, he/she will have 20 days to file an **Answer to the Supplemental Petition or a Counter Petition**. If a Counter Petition is filed by the respondent, you may then file an **Answer to the Counter Petition**, Form 12.902(d). If the respondent fails to serve or file a response or any paper within the 20 days allowed, you will need to file a **Motion for Default**, Form 12.922(a) in order to request a final hearing date. **With the Motion for Default**, you must also file Form 12.912(b) **Nonmilitary Affidavit (if you are certain the other party is not in the military).** If he/she fails to file the necessary documents within the 45 days allowed (i.e., financial affidavit) you may file a **Motion to Compel** to ask the court to require him/her to file the necessary documents.

When ***ALL*** required documents and time requirements have been met and you believe your case is ready for a final hearing, **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES - ONE ADDRESSED TO EACH PARTY**. Your case will be reviewed a trial date, hearing date or further instructions will be provided to you by mail. PLEASE DO NOT CALL TO INQUIRE.