

## SELF-HELP PROCEDURES FOR FILING PETITION TO DETERMINE PATERNITY AND FOR RELATED RELIEF

If the Court has **not** entered an order establishing paternity, custody, visitation, shared parental responsibility and child support of a minor child(ren) you may file a Petition to Determine Paternity and for Related 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 indigent. 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** represents the other party and the issue involves child support and/or change in custody, you are required to serve, by hand delivery, a copy of your documents to Legal Service Unit, P. O. Box 17569, Pensacola, Florida 32501, and a copy to the Department of Revenue, Child Support Enforcement Agency located on AL<sup>th</sup> Street. Although the Department cannot represent the other party in any proceedings involving custody, they still represent the other party regarding any child support issue, including back support.

### **Definition**

**Petitioner:** Individual making a written request.

**Respondent:** Individual receiving or answering written request.

Before a request to determine paternity and related relief can be filed, you **must have a current address on the respondent. (employer's address may be used)**. The address is needed so that he or she may be served with the appropriate pleadings.

Below 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](http://www.flcourts.org) and/or [www.escambiaclerk.com](http://www.escambiaclerk.com)**.

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

1. \_\_\_\_ Form 12.983(a) **Petition to Determine Paternity and for Related Relief.**
2. \_\_\_\_ **Acknowledgment of Limitation of Services** (must be filed with the petition).
3. \_\_\_\_ Form 12.983(b) **Answer to Petition to Determine Paternity and for Related Relief** (this can be filed by the respondent if he/she is in agreement with the Petition).
4. \_\_\_\_ Form 12.902(b) **Family Law Financial Affidavit** (Individual Income Under

\$50,000) or Form 12.902(c) **Family Law Financial Affidavit** (Individual Income Over \$50,000). Need two (2) - one from each party. This document should be filed by the respondent within 45 days of service.

5.\_\_\_\_Form 12.932 **Certificate of Compliance with Mandatory Disclosure** (need two (2) - one from each party) or **Agreement to Waive Financial Disclosure**.

6.\_\_\_\_Form 12.902(d) **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit (must be notarized)**.

7.\_\_\_\_ **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).

8.\_\_\_\_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 in Escambia County.

9.\_\_\_\_ Form 12.902(j) **Notice of Social Security** (need two (2) - one from each party).

10.\_\_\_\_**Any other order of the court relating to custody, visitation or child support** of the dependent or minor children of this marriage, must be filed along with the Petition for Dissolution of Marriage.

11.\_\_\_\_ **Final Judgment of Paternity (must be accurately and neatly typed for the Judge to sign)**. The required composition of the Final Judgment may be complex and you may need assistance from a lawyer or forms provider. Bring the original Final Judgment, two (2) additional copies, the Memorandum to Clerk and two (2) self addressed stamped envelopes to your final hearing.

12.\_\_\_\_ In addition to filing the above forms, **both the petitioner and the respondent may be ordered to attend a parenting course prior to being given a final hearing date**. See attached list. Information is available from the clerk or at the Family Court Services on the 3<sup>rd</sup> floor of the M.C. Blanchard Building. Make certain you obtain and file confirmation of your attendance with the Clerk's Office.

14.\_\_\_\_**Waiver of Appearance on Petition to Establish Paternity and Other Relief**. Only court staff can determine if you are eligible to proceed without a hearing. You will be notified if you are eligible after you have filed your Request for Trial/Hearing.

15.\_\_\_\_ 12.900(a) **Disclosure from Non-lawyer** (if a person who is not a lawyer helped you complete your paperwork).

#### **Where do I file?**

Once you have N completed the required documents, you must file the **original** documents with the **Family Law Clerk of Court located at the M.C. Blanchard Judicial Building, 190 Governmental Center, Pensacola, Florida, 32502 (1st floor) F (850) 595-4331**. Take the original and one copy to the Clerk's office and keep a copy for yourself. Inform the clerk that you are going to have the respondent served, and you will

need a Summons.

**What if the parties agree to everything?**

If the parties are in agreement, then the respondent may waive service by the Sheriff Department by signing an **Acceptance of Service and Waiver of Service of Process by Sheriff**. The mandatory disclosure may also be waived if the parties are in agreement with the financial information that each has provided to the Court. If custody is an issue, however, the parties cannot agree to the amount of child support unless it is pursuant to child support guidelines per chapter 61.30 of Florida Statutes.

**What do I do after I have filed?**

If service is needed, the Clerk will issue a Summons and attach the other set of copies to it. You may 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 denies in his answer that he is the biological parent of the child?** If the other party denies being the parent of the child, either party may file form 12.983(e) **Motion for Scientific Paternity Testing** and request a hearing on the matter. Make certain you provide a copy of the Motion for Scientific Paternity Testing to the other party in the case.

**What if the Respondent does not file an answer or submit required documents?**

Once the respondent has been served or waived service, he/she will have 20 days to file an Answer. If the respondent fails to serve or file a response or any paper within the 20 days allowed, you may file a **Motion for Default**. **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 does not file the required documents (e.g., financial affidavit) within the allowed 45 days, you can file a **Motion to Compel** to ask the court to make him/her file those documents. The Court will give a time period for the person to submit the documents. After that time has passed you may request a hearing date.

**What if I cannot locate the respondent to have the Petition served or he/she does not and has not lived in Florida?**

If you have no way of locating the respondent or he/she has never lived in the State of Florida, you must serve the Petition for Dissolution of Marriage through publication - this is called *constructive service*. *Constructive service* is allowed only when the other party has never lived in Florida or you do not know where they are. If you have a last known Florida address, you must attempt *personal service* first, before you can use *constructive service*.

If you are unsure of the last known address, you must conduct a diligent search to try and locate him/her. The requirements for service on the respondent are complex so please read the information provided on service carefully. **IMPORTANT: The Court may have limited jurisdiction in your case if you used *constructive service* on the respondent.** For *constructive service* you will need to file the following with the clerk: Form 12.913(a) **Notice of Action** and Form 12.913(c) **Affidavit of Diligent Search**. The Notice must be published with a qualified local newspaper at least once per week for four (4) consecutive weeks (ask the clerk for a list of qualified newspapers). In addition, if you do not know if the respondent is on active duty in the United States Military, you will need to fill out form 12.912(a) **Memorandum for Certificate of Military Service** and mail one

copy to each of the military branches (you may ask Clerk or Pro Se staff for further instructions). If you cannot afford to pay to publish the Notice, you will need to file an Affidavit of Indigency, Form 12.902(a). If the clerk determines that you cannot afford these fees, they will post your form 12.913(a) **Notice of Action** form in a designated place for the required four-week period.

When **ALL** required documents have been completed and required time periods have passed (i.e., 20 days for the respondent to answer and 45 days to file financial information) 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 and a trial date, hearing date or further instructions will be provided to you by mail. **PLEASE DO NOT CALL TO INQUIRE.**

### **NOTICE OF LIMITATION OF SERVICES PROVIDED**

This list of forms and procedural information should be considered as a guideline and not legal advice. It is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets or liabilities.

The personnel in this self-help program are not acting as your lawyer or providing legal advice to you. Self-help personnel are not acting on behalf of the Court or any judge. The presiding judge in your case may require amendment of form(s) or substitution of a different form other than any you may have obtained from the clerk-s office, the self-help office or a legal forms provider. The form(s) you file are only a request of the Court. The judge is not required to grant the relief requested in a form. The personnel in this self-help program cannot tell you what your legal rights or remedies are, represent you in court or tell you how to testify in court. Self-help services are available to all persons who are or will be parties to a family case. The information you give to and receive from self-help personnel is not confidential and may be subject to disclosure at a later date. Nothing you may tell family court personnel is confidential. If another person involved in your case seeks assistance from this self-help program, that person will receive the same service provided to you.

**Clerk-s Office Family Law Division: 595-4331**

**Court Administration Family Law Self Help Office: Division AL@ 595-4407  
Division AM@ 595-3735  
Division AP@ 595-4497**