

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.983(a), PETITION TO DETERMINE PATERNITY AND FOR RELATED RELIEF (12/10)

When should this form be used?

This form should be used by a birth mother or father to ask the court to establish **paternity**, a **time-sharing schedule**, and/or **child support** of a minor child or children. This means that you are trying to legally establish who is the father of the child(ren).

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should **file** the original with the **clerk of the circuit court** in the county where you live and keep a copy for your records.

What should I do next?

For your case to proceed, you must properly notify the **respondent** 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**. However, if constructive service is used, the court may only grant limited relief. You should seek legal advice on constructive service in a paternity case. For more information see chapter 49, Florida Statutes, or you may contact Child Support Enforcement at the Florida Department of Revenue if you need assistance with your case.

If personal service is used, the **respondent** 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. Then, if you have filed all of the required papers, you may call the clerk, **family law intake staff**, or **judicial assistant** to set a **final hearing**. You must notify the other party of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

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, you may call the clerk, family law intake staff, or judicial assistant to set a final hearing. You must notify the other party of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

CONTESTED... If the respondent files an answer or an answer and **counterpetition**, which disagrees with or denies anything in your petition, **and** you are unable to settle the disputed issues, you should file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924, after you have complied with mandatory disclosure, completed the **scientific paternity testing**, if necessary, and filed all of the required papers. Then you should contact the clerk, family law intake staff, or judicial assistant for instructions on how to set your case for **trial** (final hearing). If the respondent files an answer and

counterpetition, you should answer the counterpetition within 20 days using an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.983(d).

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 chapter 742, Florida Statutes.

Special notes...

If you do not have the money to pay the filing fee, you may obtain an Application for Determination of Civil Indigent Status, fill it out, and the clerk will determine whether you are eligible to have filing fees deferred.

More than one child of the same alleged father may be listed on a single petition. However, if you are filing a paternity action involving more than one possible father, a separate petition must be filed for each alleged father.

If the respondent files an answer denying that the person named in the petition is the child(ren)'s father, one of you should file a Motion for **Scientific Paternity Testing**, Florida Supreme Court Approved Family Law Form 12.983(e). This is used to ask the court to order a scientific test to determine who is the child(ren)'s father.

If the father signed papers at the hospital acknowledging that he was the father, paternity was established as a matter of law. This should be checked on page 2, section 9a on this form.

If the paternity of a child who was conceived or born during a marriage is at issue, the court may appoint a **guardian ad litem** to assist the court in this matter and to protect the rights of child.

With this petition, you must file the following and provide a copy to the other party:

- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).
- **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).
- **Certificate of Compliance with Mandatory Disclosure**, Florida Family Law Rules of Procedure Form 12.932. (This must be filed within 45 days, if not filed with the petition, unless 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 do not know the other party's income, you may file this worksheet after his or her financial affidavit has been filed.)
- **Parenting Plan**, Florida Supreme Court Approved Family Law Form, 12.995(a), or **Safety Focused Parenting Plan**, Florida Supreme Court Approved Family Law 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.

Parenting Plan and Time-Sharing... If the parties are unable to agree on parenting arrangements and a time-sharing schedule, a judge will decide 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 between the parties, the court reserves jurisdiction to modify issues relating to minor or dependent 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) are being served. For more information, you may consult sections 61.401–61.405, Florida Statutes.

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**
- **Supervised Time-Sharing**
- **No contact**
- **Parenting Plan**
- **Parenting Plan Recommendation**
- **Time-Sharing Schedule**

Many circuits require that parents of a minor or dependent child(ren) who are involved in dissolution or paternity actions attend **mediation** before being allowed to schedule a final hearing. A **parenting course** must be completed prior to entry of the final judgment. You should check with your local clerk of court's office, family law intake staff, or judicial assistant for more information on the parenting course and mediation requirements in your area.

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 should file a **financial affidavit**, 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. 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.

Final Judgments... These family law forms contain a **Final Judgment of Paternity**, Florida Supreme Court Approved Family Law Form 12.983(g), which the judge may use. You should check with the clerk, family law intake staff, or judicial assistant to see if you need to bring it with you to the hearing. If so, you should type or print the heading, including the circuit, county, case number, division, and the parties' names, and leave the rest blank for the judge to complete at your hearing or trial.

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 _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

Petitioner,

and

Respondent.

PETITION TO DETERMINE PATERNITY AND FOR RELATED RELIEF

Petitioner, *{full legal name}* _____, being sworn, certifies that the following information is true:

This is an action for paternity and to determine parental responsibility, time-sharing, and child support under chapter 742, Florida Statutes.

SECTION I.

1. Petitioner is the [] mother [] father of the following minor child(ren):

	Name	Place of Birth	Birth date	Sex
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____
(5)	_____	_____	_____	_____
(6)	_____	_____	_____	_____

2. Petitioner's current address is: *{street address, city, state}* _____

3. Respondent's current address is: *{street address, city, state}* _____

4. Both parties are over the age of 18.

5. The Petitioner [Choose only one] () is () is not a member of the military service.
The Respondent [Choose only one] () is () is not a member of the military service.

6. Neither Petitioner nor Respondent is mentally incapacitated.

7. A completed **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d), is filed with this petition.
8. A completed **Notice of Social Security Number**, Florida Supreme Court Approved Family Law Form 12.902(j), is filed with this petition.
9. A completed **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c), is, or will be, filed.

10. Paternity Facts.

[Choose only one]

- a. Paternity has previously been established as a matter of law.
- b. The parties engaged in sexual intercourse with each other in the month(s) of *{list month(s) and year(s)}* _____, in *{city and state}* _____
- c. As a result of the sexual intercourse, Petitioner Respondent conceived and gave birth to the minor child(ren) named in paragraph 1. Petitioner Respondent is the natural father of the minor child(ren). The mother was was not married at the time of the conception and/or birth of the minor child(ren) named in paragraph 1. If the mother was married, the name and address of her husband at the time of conception and/or birth is: _____

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

1. The minor child(ren) currently reside(s) with Mother Father Other: *{explain}* _____
_____.

2. **Parental Responsibility.** It is in the child(ren)'s best interests that parental responsibility be:

[Choose only one]

- a. shared by both Father and Mother.
- b. awarded solely to Father Mother. Shared parental responsibility would be detrimental to the child(ren) because: _____

_____.

3. **Parenting Plan and Time-Sharing.** It is in the best interests of the child(ren) that the family be ordered to comply with a Parenting Plan that includes does **not** include parental time-sharing with the child(ren). The Petitioner states that it is in the best interests of the child(ren) that:

[Choose only one]

- a. The attached proposed Parenting Plan 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 Father Mother
 Limited time-sharing with the Father Mother

- Supervised time-sharing for the Father Mother.
- Supervised or third-party exchange of the child(ren).
- Time-sharing schedule as follows:

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

4. The minor child(ren) should
 [Choose only one]
- a. ___ retain his/her (their) present name(s).
 - b. ___ receive a change of name as follows:

present name(s)

be changed to

(1) _____
 (2) _____
 (3) _____
 (4) _____
 (5) _____
 (6) _____

(1) _____
 (2) _____
 (3) _____
 (4) _____
 (5) _____
 (6) _____

- c. The name change would be in the best interest of the child(ren) because: _____

SECTION III. CHILD SUPPORT

[Choose **all** that apply]

1. ___ 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 Law Rules of Procedure Form 12.902(e), is, or will be, filed. Such support should be ordered retroactive to

[Choose only one]

- a. ___ the date when the parents did not reside together in the same household with the child, not to exceed a period of 24 months before the date of filing of this petition.
- b. ___ the date of the filing of this petition.
- c. ___ other: {date}_____. {Explain} _____

2. ___ Petitioner requests that the Court award a child support amount that is more than or less than Florida’s child support guidelines. Petitioner understands that a **Motion to Deviate from Child Support Guidelines**, Florida Supreme Court Approved Family Law Form 12.943, **must** be completed before the Court will consider this request.

3. ___ Petitioner requests that medical/dental insurance for the minor child(ren) be provided by:

[Choose only one]

- a. ___ Father.
- b. ___ Mother.

4. ___ Petitioner requests that uninsured medical/dental expenses for the child(ren) be paid by:

[Choose only one]

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

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

[Choose only one]

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

6. ___ [] Petitioner [] Respondent [] Both has (have) incurred medical expenses in the amount of \$_____ on behalf of the minor child(ren), including hospital and other expenses incidental to the birth of the minor child(ren). There should be an appropriate allocation or apportionment of these expenses.

7. ___ [] Petitioner [] Respondent [] Both has (have) received past public assistance for this (these) minor child(ren).

PETITIONER’S REQUEST

1. Petitioner requests a hearing on this petition and understands that he or she must attend the hearing.

2. Petitioner requests that the Court enter an order that:

[Choose **all** that apply]

- a. ___ establishes paternity of the minor child(ren), ordering proper scientific testing, if necessary;
- b. ___ adopts or establishes a Parenting Plan containing provisions for parental responsibility and time-sharing for the minor or dependent child(ren);
- c. ___ awards child support, including medical/dental insurance for the minor child(ren);
- d. ___ determines the appropriate allocation or apportionment of all expenses incidental to the birth of the child(ren), including hospital and medical expenses;
- e. ___ determines the appropriate allocation or apportionment of all other past, present, and future medical and dental expenses incurred or to be incurred on behalf of the minor child(ren);
- f. ___ changes the child(ren)’s name(s);
- g. ___ other relief as follows: _____

_____ ; and

grants such other relief as may be appropriate and in the best interests of the minor child(ren).

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: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA

COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

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

____ Personally known

____ Produced identification

Type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [fill in all blanks]

I, *{full legal name and trade name of nonlawyer}* _____,

a nonlawyer, whose address is *{street}* _____, *{city}* _____ *{state}* _____,

{phone} _____, helped *{name}* _____,

who is the respondent, fill out this form.