

## **INSTRUCTIONS FOR PETITION TO ESTABLISH PARENTING PLAN WITH TIME-SHARING SCHEDULE WITH MINOR CHILD(REN) OF PARENTS WHO WERE NEVER MARRIED**

### **When should this form be used?**

If paternity has been established by final judgment in a separate court case, a proceeding filed by the Department of Revenue or other IV-D child support enforcement agency, or by other means as set forth in Chapter 742 of the Florida Statutes, a parent who was never married to the other parent may use this form to establish parental responsibility and to obtain a Parenting Plan with a Time-Sharing Schedule. If the Department of Revenue, has not filed a paternity action, or paternity has not been established, the Petitioner must file a Petition to Determine Paternity and for Related Relief, Florida Supreme Court Approved Family Law Form 12.983. This form is only appropriate when the parents are unable to have the issues of parenting time decided in the paternity action.

### **What should I do next?**

The petition and all other required forms must 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 this petition, you **must** also complete and file the following forms:

- Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d). Form must be completed, signed and notarized and served with the summons.
- Notice of Related Cases, Florida Family Law Rules of Procedure Form 12.900(h).
- Civil Cover Sheet, Florida Rules of Civil Procedure, Form 12.928.
- 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 attached.

### **IF YOU ASK FOR CHILD SUPPORT:**

- 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 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. You must arrange for the Sheriff or a process server to serve the other parent with a copy of the petition and a summons. 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.** 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)(2), 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 "To Establish Parenting Plan with Time-Sharing Schedule with Minor Child(ren) of Parents Who Were Never Married." 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, the other parent has not filed an answer, 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 in the Family Law Forms section of the Florida Family Law Rules of Procedure. A copy may be obtained from the law library or from the Florida Supreme Court website. For further information, see chapter 61, 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. Complete the form and the clerk will determine whether or not you are eligible to have the 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 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
- Parenting Plan
- Parenting Plan Recommendation
- Time-Sharing Schedule
- Supervised Time-Sharing
- 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 the other parent 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 the other parent 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 concern 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 a Parent Education and Family Stabilization Course. The list of courses may be obtained from the Department of Children and Families website [www.myflfamilies.com](http://www.myflfamilies.com) or from the Fifth Judicial Circuit Website [www.circuit5.org](http://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 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 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 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.

## **Remember ...**

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 TO ESTABLISH PARENTING PLAN WITH TIME-SHARING SCHEDULE WITH  
MINOR CHILD(REN) OF PARENTS WHO WERE NEVER MARRIED**

I, {full legal name} \_\_\_\_\_ the (Chose  
only one) ( ) Petitioner ( ) Respondent, being sworn, certify that the following statements are  
true:

1. I request that the Court establish parental responsibility and a Parenting Plan with a  
time- sharing schedule with the following minor children:

Name	Birth Date
_____	_____
_____	_____
_____	_____

2. The children have resided continuously in the State of Florida for six (6) months before this  
petition was filed. A Uniform Child Custody Jurisdiction Act Affidavit, Florida Supreme Court  
Approved Family Law Form 12.902(d) is filed with this petition.
3. The parties were never married to each other.
4. Paternity was established by: (Choose only one)

a. \_\_\_ A Final Judgment of Paternity or Order entered on {date of order} \_\_\_\_\_  
in case number \_\_\_\_\_.

**Attach a copy of the Final Judgment or Order.**

OR

b. \_\_\_ **Attach copy of the Certification of Birth.**

**SECTION I. PARENTING PLAN ESTABLISHING PARENTAL RESPONSIBILITY and TIME-SHARING SCHEDULE**

1. It is in the best interests of the child(ren) that parental responsibility be: (Choose only one)

- a.  shared by both the Petitioner and the Respondent.
- b.  awarded solely to (  ) Petitioner (  ) Respondent. Shared parental responsibility would be detrimental to the child(ren) because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. It is in the best interests of the child(ren) that: (Choose only one)

a.  The attached proposed Parenting Plan with Time-Sharing Schedule 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 (  ) Petitioner (  ) Respondent.
- (  ) Limited time-sharing for the (  ) Petitioner (  ) Respondent.
- (  ) Supervised time-sharing for the (  ) Petitioner (  ) Respondent.
- (  ) Supervised or third-party exchange of the children.
- (  ) Time-sharing Schedule as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION II. CHILD SUPPORT (Choose only one)**

1.  The Petitioner does not request the establishment of child support.

OR

2.  Child support in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ was established in Case No. \_\_\_\_\_ by the judge in {city, county, state) \_\_\_\_\_  
(Attach a copy of the Order establishing child support)

OR

3.  The 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 Laws Rules of Procedure Form 12.902(e), is or will be filed. Such support should be ordered retroactive to:

- a.  the date of filing of this petition.
- b.  Other {date}{ explain} \_\_\_\_\_

**SECTION III. INSURANCE**

1. The Petitioner requests that medical/dental insurance coverage for the minor child(ren) be paid by: [Choose\_only one]
  - a.  Petitioner
  - b.  Respondent
  
2. Petitioner requests that uninsured medical/dental expenses for the child(ren) be paid: [Choose only one]
  - a.  by Petitioner.
  - b.  by Respondent.
  - c.  by Petitioner\_and Respondent\_each 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:
  - a.  Petitioner
  - b.  Respondent
  - c.  Both

**SECTION IV. OTHER RELIEF**

\_\_\_\_\_  
\_\_\_\_\_

**SECTION V. 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.  Establishing parental responsibility, and a Parenting Plan with a time-sharing schedule as requested in Section I of this petition;
- b.  Establishing child support as requested in Section II of this petition;
- c.  Establishing insurance as requested in Section III of this petition;
- d.  Granting other relief as requested in Section IV of this petition, including any other relief the Court deems necessary and appropriate.

**I understand that I am swearing or affirmed under oath to the truthfulness of the claims made in this petition and that 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 signed before me on \_\_\_\_\_ by  
\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC - STATE OF FLORIDA

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary]

[check one only]

Personally known

Produced identification

Type of Identification produced \_\_\_\_\_.

**IF A NON-LAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS**

**BELOW:** [fill in all blanks]

This form was prepared for the Petitioner. This form was completed with the assistance of:

*{name of individual}* \_\_\_\_\_

*{name of business}* \_\_\_\_\_

*{address}* \_\_\_\_\_

*{city}* \_\_\_\_\_ *{state}* \_\_\_\_\_ *{zip code}* \_\_\_\_\_ *{telephone number}* \_\_\_\_\_