TEMPORARY CUSTODY BY EXTENDED FAMILY

- **Petition for Temporary Custody by Extended Family** *Form 12.970 (a)*
  OR
  Petition for Concurrent Custody By Extended Family *Form 12.970 (b).*
  Please read all directions on each Petition to determine the Petition to be used and complete the appropriate petition in its entirety.   Please pay particular attention to the following:

  - Florida must have been the home state of the child(ren) named in the Petition at least 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) or an individual who qualifies as "fictive kin" (as defined in FS 39.01 – means person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship), to a child.
  - Petition must be signed and notarized
  - List all parents in Petition

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

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

- **Designation of Current Mailing and Email Address** *Form 12.915*

- **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** (choose only one based on annual income)
  - Short form 12.902 (b) annual income under $50,000
  - Long form 12.902 (c) annual income **over** $50,000

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

SERVICE OF PROCESS on Responding Party(ies)

Personal Service - Personal service is <u>required</u> if the party's whereabouts are known.
- **Summons: Personal Service on an Individual** - *Form 12.910(a)*
- **Process Service Memorandum** - *Form 12.910(b)*

Alternatively, the Respondent may file an Answer to Petition and Waiver of Service of Process. Forms are available at www.circuit5.org

Service by Publication or Posting – NOTE: You <u>must</u> attempt personal service at the Respondent's last known address before filing an affidavit of diligent search.
- **Affidavit of Diligent Search** - *Form 12.913 (b)*
  NOTE: This affidavit must be filled out completely **with supporting documentation attached to the affidavit.**
- **Notice of Action for Family Cases with Minor or Dependent Child(ren)** – *Form 12.913(a)(2)*
  - **By Publication:** Must publish once a week for four (4) consecutive weeks in a publication in the county of the Court [See Florida Statute 49.10 (1)(a)]. - PETITIONER RESPONSIBLE FOR TIMELY PUBLISHING IN NEWSPAPER AND COSTS ASSOCIATED THEREWITH
  - **By Posting:** If the Petitioner is found indigent by the Clerk of Court – CLERK WILL POST FOR PETITIONER

Waiver and Consent from Responding party(ies)
- *Form 12.970 (c)* - **to be used if filed the Petition for *Temporary* Custody by Extended Family OR**
- *Form 12.970(d)* - **to be used if filed the Petition for *Concurrent* Custody by Extended Family**

AFTER SERVICE OF PROCESS HAS BEEN COMPLETED:

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

- **Motion for Order Setting Final Hearing/Non-Jury Trial** - Form available at www.circuit5.org
  PLEASE DO NOT FILE THIS MOTION UNTIL ALL THE ABOVE ITEMS HAVE BEEN FILED