

Supreme Court of Florida

No. SC21-607

IN RE: AMENDMENTS TO THE FLORIDA SUPREME COURT APPROVED FAMILY LAW FORMS – 12.970(a)-(f).

June 10, 2021

PER CURIAM.

Pursuant to the procedures approved in *Amendments to the Florida Family Law Rules of Procedure & Family Law Forms*, 810 So. 2d 1, 13-14 (Fla. 2000), this Court has internally reviewed the Florida Supreme Court Approved Family Law Forms and has determined that revision of six forms, 12.970(a) (Petition for Temporary Custody by Extended Family); 12.970(b) (Petition for Concurrent Custody by Extended Family); 12.970(c) (Waiver of Service of Process and Consent for Temporary Custody by Extended Family); 12.970(d) (Waiver of Service of Process and Consent for Concurrent Custody by Extended Family); 12.970(e) (Order

Granting Petition for Temporary Custody by Extended Family); and 12.970(f) (Order Granting Petition for Concurrent Custody by Extended Family) is needed.¹ Input was received from the Advisory Workgroup on the Florida Supreme Court Approved Family Law Forms, which provided valuable assistance.

In 2020, the Legislature amended chapter 751, Florida Statutes, the law governing temporary and concurrent custody. *See* Ch. 2020-146, Laws of Fla. Revision of the six forms relating to temporary and concurrent custody is necessary so the forms will accord with the provisions of chapter 751, as amended.

The forms are hereby amended as set forth in the appendix to this opinion, fully engrossed. The amended forms shall become effective immediately upon the release of this opinion and may be accessed and downloaded from the Florida State Courts' website at <https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Family-Law-Self-Help-Information/Family-Law-Forms>. By amending the forms, we express no opinion as to their correctness or applicability. We also

1. We have jurisdiction. *See* art. V, § 2(a), Fla. Const.

direct that amended forms be published for comment. Interested persons shall have seventy-five days from the date of this opinion to file comments with the Court.²

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Supreme Court Approved Family Law Forms

2. All comments must be filed with the Court on or before August 24, 2021, with a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

APPENDIX

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.970(a) PETITION FOR TEMPORARY CUSTODY BY EXTENDED FAMILY (06/21)

When should this form be used?

This form should be used by an **extended family member** to obtain temporary custody of a child or children pursuant to Chapter 751, Florida Statutes. This form **should not** be used if you are a parent seeking to establish parental responsibility or time-sharing with a child or children.

An **Extended Family Member** is:

A relative of a minor child within the third degree by blood or marriage to the parent;

OR

The stepparent of a minor child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the children's parents as an adverse party;

OR

An individual who qualifies as "fictive kin." As defined in section 39.01, Florida Statutes, fictive kin means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

You may file a Petition for Temporary Custody if:

You have the signed, notarized consents of the children's legal parents;

OR

You are an extended family member who is caring full time for the children in the role of a substitute parent and with whom the children are presently living.

If one of the minor children's parents objects to the Petition, the court shall grant the Petition only upon a finding, by clear and convincing evidence, that the children's parent or parents are unfit to provide for the care and control of the children. In determining that a parent is unfit, the court must find that the parent has abused, abandoned, or neglected the children, as defined in Chapter 39, Florida Statutes. If you do not have the parents' consents, **you should consult a family law attorney before you file your papers.**

If you do not meet the qualifications above, you should talk to an attorney about other options. You may also report any suspected abuse, abandonment, or neglect to the appropriate authorities.

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.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of General Practice and Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of General Practice and Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of General Practice and Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of General Practice and Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of General Practice and Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of General Practice and Judicial Administration 2.516.

What should I do next?

IF YOU HAVE SIGNED AND NOTARIZED WAIVERS OF SERVICE OF PROCESS AND CONSENTS from the child(ren)'s parents, and the case is uncontested, you may contact the clerk, **family law intake staff**, or **judicial assistant**, to set a **final hearing**. You must notify the child(ren)'s parents 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.

If one of the parents is deceased, you must file a certified copy of the proof of death.

IF YOU DO **NOT** HAVE SIGNED AND NOTARIZED WAIVERS OF SERVICE OF PROCESS AND CONSENTS from the children's parents, you must properly notify the parents 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 after

conducting a diligent search, you may use **constructive service**. You must complete all of the searches listed in the **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(c), and file the form with the clerk. You should seek legal advice on constructive service as this is a complicated area of the law. If the identity of one parent is unknown, you will need to seek legal advice to determine the proper way to serve an unknown parent. For more information, see Chapter 49, Florida Statutes.

If personal service is used, the **parents** have 20 days to answer after being served with your petition. Your case will generally proceed in one of the following 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. You must file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924. Then, if you have filed all of the required papers, you may contact the clerk, **family law intake staff**, or **judicial assistant**, to set a **final hearing**. You must notify the child(ren)'s parents 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 either parent files an answer which disagrees with or denies anything in your petition and you are unable to settle the disputed issues, you must file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924, to request a final hearing. Some circuits may require the completion of **mediation** before a final hearing may be set. You should contact the clerk, **family law intake staff**, or **judicial assistant** for instructions on how to set your case for **trial** (final hearing).

At any time, either or both of the children's parents may petition the court to modify or terminate the order granting temporary custody. The court shall terminate the order upon a finding that the parent is a fit parent, or by the consent of the parties. The court may modify an order granting temporary custody if the parties consent or if the modification is in the best interest of the children

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 751 and Chapter 39, 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.

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 Related Cases**, Florida Family Law Rules of Procedure Form 12.900(h).
- **Family Court Cover Sheet**, Florida Family Law Rules of Procedure Form 12.928.
- **Non-Military Affidavit**, Florida Supreme Court Approved Family Law Form 12.912(b). (Required only for obtaining a default on petitions that have been personally or constructively served. Not required if both parents have signed a waiver and consent.)

Instructions for Florida Supreme Court Approved Family Law Form 12.970(a), Petition for Temporary Custody by Extended Family (06/21)

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 **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: _____

IN THE INTEREST OF

_____,
Children

_____,
Petitioner,

and

_____,
Respondent/_____.

_____,
Respondent/_____.

PETITION FOR TEMPORARY CUSTODY BY EXTENDED FAMILY

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

1. This is an action for temporary custody pursuant to Chapter 751, Florida Statutes.
2. Petitioner requests temporary custody of the following minor children:

Name	Date of Birth	Current Address
------	---------------	-----------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Petitioner completed a **Uniform Child Custody Jurisdiction and Enforcement Act Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d), which was filed with this Petition. The affidavit includes the names and current addresses of the persons with whom the children have lived during the past 5 years, the places where the children have lived during the past 5 years, and information concerning any custody proceeding in this or any other state with respect to the children. **If the Affidavit is not completely filled out, signed under oath, and filed with the Petition, the case may be dismissed without hearing.**

4. Petitioner is an extended family member who is: {Choose **one** only}
_____ Related to the minor children within the third degree by blood or marriage to a parent;

OR

_____ The stepparent of the minor children, is married to Respondent *{full legal name}* _____ and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the children's parents as an adverse party;

OR

_____ An individual who qualifies as fictive kin as defined in section 39.01, Florida Statutes.

5. Petitioner's relationship to the minor children is: _____.

6. The residence and post office address of the Petitioner is: _____
_____.

7. Petitioner is a proper person to be awarded temporary custody because: *{Choose one only}*
_____ Petitioner has the signed, notarized consent from **both** of the children's legal parents;

OR

_____ Petitioner is caring full time for the children in the role of a substitute parent and the children currently live with the Petitioner.

If Petitioner does not have the signed consents from both parents or is not caring for the children full time as a substitute parent, Petitioner cannot obtain temporary custody under Chapter 751, Florida Statutes. Petitioner should consult an attorney about other options.

8. The legal parents of the children are:

a. _____, whose current address is: _____
_____.

b. _____, whose current address is: _____
_____.

9. _____ The Consents of Parent *{full legal name}* _____ and/or Parent *{full legal name}* _____ is/are attached to the Petition.

OR

_____ The Consent of Parent *{full legal name}* _____ is not attached because that parent is deceased. A certified copy of the proof of death is attached.

OR

_____ Consent has NOT been obtained from the parents. The specific acts or omissions of the parents which demonstrate that the parents have abused, abandoned, or neglected the children as defined in Chapter 39, Florida Statutes are: (attach additional sheets if necessary) _____

_____.

10. Petitioner requests temporary custody be granted for the following period of time: _____.

The reasons that support this request are: _____

_____.

11. It is in the best interests of the children that the Petitioner have temporary custody of the children for the following reasons: _____

_____.

12. **ORDER OF PROTECTION**

a. _____ Petitioner **IS NOT** aware of any temporary or permanent order for protection entered on behalf of or against either parent, the Petitioner, or the children in Florida or any other jurisdiction.

OR

b. _____ Petitioner **IS** aware of the following temporary or permanent orders for protection entered on behalf of or against either parent, the Petitioner, or the children in Florida or any other jurisdiction. The court entering the order and the case number is: _____

_____.

13. **TEMPORARY OR PERMANENT CHILD SUPPORT ORDERS**

a. _____ Petitioner **IS NOT** aware of any temporary or permanent orders for child support for the minor children.

OR

b. _____ Petitioner **IS** aware of the following temporary or permanent order for child support for the minor children. The court entering the order and the case number is: _____

_____.

14. **CHILD SUPPORT** *(Choose one only)*

(You must have proof or waiver of service of process upon the parent(s) or a Waiver of Service of Process and Consent for the court to consider an award for child support)

a. _____ Petitioner requests the court to order the parents to pay child support.

b. _____ Petitioner requests the court to redirect all or part of the parents' existing child support obligation(s) to the Petitioner.

c. _____ Petitioner requests the court to redirect all or part of the parents' existing child support obligation(s) to the Petitioner, and to award the Petitioner retroactive child support.

15. Petitioner _____ requests _____ does not request that the court establish reasonable visitation or a time-sharing schedule with the parents.

16. Petitioner _____ requests _____ does not request additional provisions which are related to the

children's best interests, including, but not limited to, a reasonable plan for transitioning custody.
The additional provisions requested are: _____

_____.

WHEREFORE, Petitioner requests that this Court grant the Petitioner temporary custody of the children subject to this proceeding; award the Petitioner other relief as requested; and award any other relief that the Court deems necessary.

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 Code: _____

Telephone Number: _____

Fax Number: _____

Designated E-Mail Address(es): _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me by means of *{choose one}* _____ physical presence or
_____ online notarization on _____ by *{name of person making statement}*
_____.

NOTARY PUBLIC OR DEPUTY CLERK

*{Print, type, or stamp commissioned name
of notary or deputy 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] 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}* _____.

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.970(b)
PETITION FOR CONCURRENT CUSTODY BY EXTENDED FAMILY
(06/21)**

When should this form be used?

This form should be used by an **extended family member** to obtain concurrent custody of a child or children pursuant to Chapter 751, Florida Statutes. This form **should not** be used if you are a parent seeking to establish parental responsibility or time-sharing with a child or children. "Concurrent custody" means that an eligible extended family member is awarded custodial rights to care for a child or children concurrently with the child(ren)'s parent or parents.

An **Extended Family Member** is:

A relative of a minor child within the third degree by blood or marriage to the parent;

OR

The stepparent of a minor child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the children's parents as an adverse party;

OR

An individual who qualifies as "fictive kin." As defined in section 39.01, Florida Statutes, fictive kin means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

You may file a Petition for Concurrent Custody if:

You have the signed, notarized consents of the children's legal parents;

OR

You are an extended family member who is caring full time for the children in the role of a substitute parent and with whom the children are presently living.

In addition, you must currently have physical custody of the children or have had physical custody of the children for at least 10 days in any 30-day period within the last 12 months; and not have signed, written documentation from a parent which is sufficient to enable you to do all the things necessary to care for the children.

If you do not meet the qualifications above, you should talk to an attorney about other options. You may also report any suspected abuse, abandonment, or neglect to the appropriate authorities.

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.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration now require that all petitions, pleadings,

and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of General Practice and Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of General Practice and Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of General Practice and Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of General Practice and Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of General Practice and Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of General Practice and Judicial Administration 2.516.

What should I do next?

IF YOU HAVE SIGNED AND NOTARIZED WAIVERS OF SERVICE OF PROCESS AND CONSENTS from the child(ren)'s parents, you may contact the clerk, **family law intake staff**, or **judicial assistant**, to set a **final hearing**. You must notify the child(ren)'s parents 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.

If one of the parents is deceased, you must file a certified copy of the proof of death.

If one of the minor children's parents objects to the Petition for Concurrent Custody in writing, the court may not grant the petition even if the other parent consents, in writing, to the entry of the order. If a parent objects, you have the option of converting the Petition to a **Petition for Temporary Custody by Extended Family**, Florida Supreme Court Approved Family Law Form 12.970(a). If the Petition is not converted into a **Petition for Temporary Custody by Extended Family**, it shall be dismissed without prejudice.

At any time, the Petitioner or either or both of the children's parents may move the court to terminate the order granting concurrent custody. The court shall terminate the order upon a finding that either or both of the children's parents objects to the order. The fact that the order for concurrent custody has been terminated does not preclude any person who is otherwise eligible to petition for temporary custody from filing such petition.

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 751 and Chapter 39, 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.

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 Related Cases**, Florida Family Law Rules of Procedure Form 12.900(h).
- **Family Court Cover Sheet**, Florida Family Law Rules of Procedure Form 12.928.
- **Non-Military Affidavit**, Florida Supreme Court Approved Family Law Form 12.912(b). (Required only for obtaining a default on petitions that have been personally or constructively served. Not required if both parents have signed a waiver and consent.)

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 **must** also 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: _

IN THE INTEREST OF:

Children

Petitioner,

and

Respondent/ _____,

Respondent/ _____.

PETITION FOR CONCURRENT CUSTODY BY EXTENDED FAMILY

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

1. This is an action for concurrent custody pursuant to Chapter 751, Florida Statutes.

2. Petitioner requests concurrent custody of the following minor children:

Name	Date of Birth	Current Address
------	---------------	-----------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Petitioner completed a **Uniform Child Custody Jurisdiction and Enforcement Act Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d), which was filed with this Petition. The affidavit includes the names and current addresses of the persons with whom the children have lived during the past 5 years, the places where the children have lived during the past 5 years, and information concerning any custody proceeding in this or any other state with respect to the children. **If the Affidavit is not completely filled out, signed under oath, and filed with the Petition, the case may be dismissed without a hearing.**

4. Petitioner is an extended family member who is: *{Choose one only}*

_____ Related to the minor children within the third degree by blood or marriage to a parent;

OR

_____ The stepparent of the minor children, is married to Respondent *{full legal name}* _____ and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the children's parents as an adverse party;

OR

_____ An individual who qualifies as fictive kin as defined in section 39.01, Florida Statutes.

5. Petitioner's relationship to the minor children is: _____.

6. The residence and post office address of the Petitioner is: _____
_____.

7. The legal parents are:

a. _____, whose current address is: _____;

b. _____, whose current address is: _____.

8. Petitioner currently has physical custody of the children or has had physical custody of the children for at least 10 days in any 30-day period within the last 12 months. Detail the time periods during the past 12 months when the children have resided with the Petitioner: _____

_____.

9. Petitioner does not have signed, written documentation from a parent which is sufficient to enable the Petitioner to do all of the things necessary to care for the children.

10. *{If applicable}* Describe the type of documents, if any, provided by the parent or parents which enables the Petitioner to act on behalf of the children: _____

These documents are attached to this Petition as Exhibit _____.

11. Petitioner is unable to obtain or undertake the following services or actions without an order of custody:

_____.

12. The Consents of Parent *{full legal name}* _____ **and/or** Parent *{full legal name}* _____ is/are attached to the Petition.

OR

{If applicable} The Consent of Parent *{full legal name}* _____ is

not attached because that parent is deceased. A certified copy of the proof of death is attached.

13. Petitioner requests concurrent custody be granted for the following period of time: _____

The reasons that support this request are: _____

14. It is in the best interests of the children that the Petitioner have concurrent custody of the children for the following reasons: _____

15. ORDER OF PROTECTION

a. _____ Petitioner **IS NOT** aware of any temporary or permanent order for protection entered on behalf of or against either parent, the Petitioner, or the children in Florida or any other jurisdiction.

OR

b. _____ Petitioner **IS** aware of the following temporary or permanent orders for protection entered on behalf of or against either parent, the Petitioner, or the children in Florida or any other jurisdiction. The court entering the order and the case number is: _____

16. TEMPORARY OR PERMANENT CHILD SUPPORT ORDERS

a. _____ Petitioner **IS NOT** aware of any temporary or permanent orders for child support for the minor children.

OR

b. _____ Petitioner **IS** aware of the following temporary or permanent order for child support for the minor children. The court entering the order and the case number is: _____

17. _____ **CHILD SUPPORT (If Petitioner is seeking child support) {Choose *one* only}**

(You must have proof of service upon or waiver of process by the parent(s) or a Waiver of Service of Process and Consent for the court to consider an award for child support)

a. _____ Petitioner requests the court to order the parents to pay child support.

b. _____ Petitioner requests the court to redirect all or part of the parents' existing child support obligation(s) to the Petitioner.

c. _____ Petitioner requests the court to redirect all or part of the parents' existing child

support obligation(s) to the Petitioner, **and** to award the Petitioner retroactive child support.

18. Petitioner _____ requests _____ does not request that the court establish reasonable visitation or a time-sharing schedule with the parents.

19. Petitioner _____ requests _____ does not request additional provisions which are related to the children's best interest, including, but not limited to, a reasonable plan for transitioning custody. The additional provisions requested are: _____

_____.

WHEREFORE, Petitioner requests that this Court grant the Petitioner concurrent custody of the children subject to this proceeding; award the Petitioner other relief as requested; and award any other relief that the Court deems necessary.

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 Code: _____
Telephone Number: _____
Fax Number: _____
Designated E-mail Address(es): _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me by means of {choose one} _____ physical presence or
_____ online notarization on _____ by {name of person making statement}
_____.

NOTARY PUBLIC OR DEPUTY CLERK

{Print, type, or stamp commissioned name of
notary or deputy 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] 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} _____.

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.970(c),
WAIVER OF SERVICE OF PROCESS AND CONSENT FOR TEMPORARY
CUSTODY BY EXTENDED FAMILY
(06/21)**

This form is to be completed and signed by a parent who agrees to grant temporary custody of a minor child or child(ren) to an **extended family member** and agrees to waive **service** of process. Service of process occurs when a summons and a copy of the petition (or other pleading) that has been filed with the court are delivered by a deputy or private process server.

An **Extended Family Member** is:

A relative of a minor child within the third degree by blood or marriage to the parent;

OR

The stepparent of a minor child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the child(ren)'s parents as an adverse party;

OR

An individual who qualifies as "fictive kin." As defined in section 39.01, Florida Statutes, fictive kin means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

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 the **Petition for Temporary Custody by Extended Family**, Florida Supreme Court Approved Family Law Form 12.970(a) is filed and keep a copy for your records.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of General Practice and Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

Special notes...

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 **must** also 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: _____

IN THE INTEREST OF

Children

Petitioner,

and

Respondent/_____

Respondent/_____.

WAIVER OF SERVICE OF PROCESS AND CONSENT FOR TEMPORARY CUSTODY BY EXTENDED FAMILY

I, {full legal name} _____, the legal parent of {children's names} _____, having received a copy of the Petition for Temporary Custody by Extended Family filed herein and waived service of process, freely and voluntarily consent to the Petition filed by: {Petitioner's full legal name} _____.

I realize that by signing this document, I am consenting to the Petitioner having temporary legal custody of the minor children and that such temporary custody is in the best interest of the children. Upon entry of an Order, the Petitioner shall be able to:

1. Consent to all necessary and reasonable medical and dental care for the children, including nonemergency surgery and psychiatric care;
2. Secure copies of the children's records, held by third parties, that are necessary for the care of the child(ren), including, but not limited to:
 - a. Medical, dental, and psychiatric records;
 - b. Birth Certificates and other records; and
 - c. Educational records.
3. Enroll the children in school and grant or withhold consent for the children to be tested or placed in special school programs, including exceptional education; and
4. Do all other things necessary for the care of the children.

I realize that the custody of my children by the Petitioner is temporary and that I may, at any time, petition the court to return legal custody to me. I understand and acknowledge that I may have to comply with a reasonable transition plan prior to the court returning legal custody to me.

Dated: _____

Signature of Parent
Printed Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Fax Number: _____
Designated E-mail Address(es): _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me by means of {choose one} _____ physical presence or
_____ online notarization on _____ by {name of person making statement}
_____.

NOTARY PUBLIC OR DEPUTY CLERK

{Print, type, or stamp commissioned name of
notary or deputy 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] This form was prepared for the {choose only **one**} _____ Petitioner _____ Respondent.

This form was completed with the assistance of:

{name of individual} _____

{name of business} _____

{address} _____

{city} _____, {state} _____, {zip code} _____, {telephone number} _____.

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY
LAW FORM 12.970(d),
WAIVER OF SERVICE OF PROCESS AND CONSENT FOR CONCURRENT
CUSTODY BY EXTENDED FAMILY
(06/21)**

This form is to be completed and signed by a parent who agrees to grant **concurrent custody** of a minor child or child(ren) to an **extended family member** and who agrees to waive **service** of process. Service of process occurs when a summons and a copy of the petition (or other pleading) that has been filed with the court are delivered by a deputy or private process server. "Concurrent custody" means that an eligible extended family member is awarded custodial rights to care for a child or children concurrently with the child(ren)'s parent or parents.

An **Extended Family Member** is:

A relative of a minor child within the third degree by blood or marriage to the parent;

OR

The stepparent of a minor child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the child(ren)'s parents as an adverse party;

OR

An individual who qualifies as "fictive kin." As defined in section 39.01, Florida Statutes, fictive kin means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

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 the **Petition for Concurrent Custody by Extended Family**, Florida Supreme Court Approved Family Law Form 12.970(b) is filed and keep a copy for your records.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of General Practice and Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of General Practice and Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

Special notes...

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 **must** also 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.

Instructions for Florida Supreme Court Approved Family Law Form 12.970(d), Waiver of Service of Process and Consent for Concurrent Custody by Extended Family (06/21)

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No: _____

IN RE: THE INTEREST OF

Division: _____

Children

Petitioner,

and

Respondent/_____

Respondent/_____.

WAIVER OF SERVICE OF PROCESS AND CONSENT FOR CONCURRENT CUSTODY BY EXTENDED FAMILY

I, {full legal name}_____, the legal parent of {children's names}
_____, having received a copy of the Petition for
Concurrent Custody by Extended Family filed herein and waived service of process, freely and voluntarily
consent to the Petition filed by {Petitioner's Name}_____.

I realize that by signing this document, I am consenting to the Petitioner having temporary concurrent
custody of the minor children and that such concurrent custody is in the best interest of the children.
Upon entry of an Order, the Petitioner shall be able to:

1. Consent to all necessary and reasonable medical and dental care for the children, including nonemergency surgery and psychiatric care;
2. Secure copies of the child(ren)'s records, held by third parties, that are necessary for the care of the children, including, but not limited to:
 - a. Medical, dental, and psychiatric records;
 - b. Birth Certificates and other records; and
 - c. Educational records.
3. Enroll the children in school and grant or withhold consent for the children to be tested or placed in special school programs, including exceptional education; and
4. Do all other things necessary for the care of the children.

I realize that the concurrent custody of my children by the Petitioner is temporary and that I may, at any time, petition the court to terminate the order granting concurrent custody. I understand and acknowledge that I may have to comply with a reasonable transition plan prior to the court returning full custody to me.

Dated: _____

Signature of Parent
Printed Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Fax Number: _____
Designated E-mail Address(es): _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me by means of *{choose one}* _____ physical presence or
_____ online notarization on _____ by *{name of person making statement}*
_____.

NOTARY PUBLIC OR DEPUTY CLERK

*{Print, type, or stamp commissioned name of notary or
deputy 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] This form was prepared for the *{choose only one}* _____ Petitioner _____ Respondent.
This form was completed with the assistance of:

{name of individual} _____,
{name of business} _____,
{address} _____,
{city} _____, *{state}* _____, *{zip code}* _____, *{telephone number}* _____.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No: _____
Division: _____

IN THE INTEREST OF

Children

_____,
Petitioner,

and

Respondent/_____

Respondent/_____.

ORDER GRANTING PETITION FOR TEMPORARY CUSTODY BY EXTENDED FAMILY

This case came before this Court for a hearing on a Petition for Temporary Custody by Extended Family. The Court, having reviewed the file and heard the testimony, makes these findings of fact and reaches these conclusions of law:

SECTION I. FINDINGS

1. The Court has jurisdiction over the subject matter and the parties.

2. The minor children at issue in this matter are:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

3. The Petitioner, *{full legal name}* _____
{choose one only}
_____ is the *{extended family relationship}* _____ of the child(ren)

OR

_____ qualifies as "fictive kin" as defined in section 39.01, Florida Statutes.

4. Parent *{full legal name}*, _____ referred
to as *{name or designation}* _____ of the child(ren):

{Choose one only}

a. _____ Filed a Waiver and Consent

- b. ____ Was served with the petition and failed to file an Answer
- c. ____ Is deceased as evidenced by: _____
- d. ____ Objected to the petition. Based upon clear and convincing evidence, the Court finds that the Parent *{name or designation}* _____ is unfit to provide for the care and control of the children. Specifically, the Parent has abused, abandoned, or neglected the children as defined in Chapter 39, Florida Statutes. It is in the best interest of the children that the Petitioner have temporary custody because: *{facts in support of finding}* _____

 _____.

- 5. Parent *{full legal name}*, _____ referred to as, *{name or designation}* _____ of the children:
{Choose one only}
 - a. ____ Filed a Waiver and Consent
 - b. ____ Was served with the petition and failed to file an Answer
 - c. ____ Is deceased as evidenced by: _____
 - d. ____ Objected to the petition. Based upon clear and convincing evidence, the Court finds that Parent *{name or designation}* _____ is unfit to provide for the care and control of the children. Specifically, the Parent has abused, abandoned, or neglected the children as defined in Chapter 39, Florida Statutes. It is in the best interest of the children that the Petitioner have temporary custody because: *{facts in support of finding}* _____

 _____.

6. It is in the best interest of the children for Petitioner to have temporary custody.

7. ____ A Transition Plan is not required for the best interests of the children prior to restoring full custody;

OR

____ The following Transition Plan is in the best interests of the children and is ordered prior to restoring full custody: _____

 _____.

SECTION II: TEMPORARY CUSTODY

1. The Petitioner, _____, is granted temporary custody of the minor children.

2. The Petitioner shall have all the rights and responsibilities of a legal parent.

3. The Petitioner is authorized to make all reasonable and necessary decisions for the minor children, including but not limited to:
 - a. Consent to all necessary and reasonable medical and dental care for the children, including nonemergency surgery and psychiatric care;

 - b. Secure copies of the children's records, held by third parties, that are necessary for the care of the children, including, but not limited to: medical, dental, and psychiatric records; birth certificates and other records; and educational records;

 - c. Enroll the children in school and grant or withhold consent for the children to be tested or placed in special school programs, including exceptional education; and

 - d. Do all other things necessary for the care of the children.

SECTION III. VISITATION WITH MINOR CHILDREN

{Insert the name or designation of the appropriate parent in the spaces provided.}

The parent(s) shall have: *{Choose one only}*

1. _____ **Reasonable** visitation with the minor children as agreed to by the parties, subject to the following limitations: _____

_____.

2. _____ The following **specified visitation schedule**: *{specify days and times}*

Parent {name or designation} _____'s Visitation Schedule.

_____.

Parent {name or designation} _____'s Visitation Schedule.

_____.

- _____.
3. _____ Parent(s) {name or designation} _____, _____ shall have **No Contact** with the minor children until further order of the Court, due to existing conditions that are detrimental to the welfare of the minor children: {explain} _____
- _____
- _____.

SECTION IV. CHILD SUPPORT

{Insert the name or designation of the appropriate parent in the spaces provided.}

1. The Petitioner _____ did _____ did not request the establishment of child support.
2. **If child support is requested**, the parents have received personal or substituted service of process, the petition requests an order for support of the children, and there is evidence of the parents' ability to pay the support ordered. Parent(s) {name or designation} _____ has the present ability to pay child support.

{Choose **one** only}

- a. _____ The amounts in the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e) filed by Parent(s) {name or designation} _____, _____ are correct;

OR

- b. _____ The Court makes the following findings:

Parent {name or designation} _____'s net monthly income is \$ _____, (Child Support Guidelines _____ %).

Parent {name or designation} _____'s net monthly income is \$ _____, (Child Support Guidelines _____ %)

Monthly childcare costs are \$ _____.

Monthly health/dental insurance costs are \$ _____.

OR

- c. _____ Parent {name or designation} _____ is currently ordered to pay child support to the other parent in the amount of \$ _____ per _____ as established in the case of {style of case and number} _____.

_____ All of the child support or _____ a portion of the child support in the amount of \$ _____ shall be **redirected** to the Petitioner.

3. Amount

- a. **Parent {name or designation} _____'s Obligation**

Parent {name or designation} _____ shall be obligated to pay child support at the rate of \$ _____ per month for the _____ children {total number of parties' minor or dependent children} commencing _____ {month, day, year} and

terminating _____ {month, day, year}.
This child support shall be paid in the amount of \$ _____ per _____ {week, month, other} which is consistent with Parent {name or designation} _____'s current payroll cycle.

Upon the termination of the obligation of child support for one of the parties' children, child support in the amount of \$ _____ for the remaining _____ children {total number of remaining children} shall be paid commencing _____ {month, day, year} and terminating _____ {month, day, year}. This child support shall be paid in the amount of \$ _____ per _____ {week, month, other} consistent with Parent {name or designation} _____'s current payroll cycle.

{Insert paragraph for the child support obligation, including the amount, and commencement and termination dates, for the remaining minor or dependent children, which shall be payable as the obligation for each child ceases.}

Parent {name or designation} _____ shall pay child support until all minor or dependent children: reach the age of 18; become emancipated, marry, join the armed services, die, or become self-supporting; or until further order of the court or agreement of the parties. The child support obligation shall continue beyond the age of 18 and until high school graduation for any child who is dependent in fact, between the ages of 18 and 19, and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19.

If the child support ordered deviates from the guidelines more than 5%, the factual findings which support that deviation are: _____

_____.

b. **Parent {name or designation} _____'s Obligation**
Parent {name or designation} _____ shall be obligated to pay child support at the rate of \$ _____ per month for the _____ children {total number of parties' minor or dependent children} commencing _____ {month, day, year} and terminating _____ {month, day, year}. Child support shall be paid in the amount of \$ _____ per _____ {week, month, other} consistent with Parent {name or designation} _____'s current payroll cycle.

Upon the termination of the obligation of child support for one of the parties' children, child support in the amount of \$ _____ for the remaining _____ children {total number of remaining children} shall be paid commencing _____ {month, day, year} and terminating _____ {month, day, year}. This child support shall be paid in the amount of \$ _____ per _____ {week, month, other} consistent with Parent {name or designation} _____'s current payroll cycle.

{Insert paragraph for the child support obligation, including the amount, and commencement and termination dates, for the remaining minor or dependent children which shall be payable as the obligation for each child ceases.}

Parent *{name or designation}* _____ shall pay child support until all of the minor or dependent children: reach the age of 18; become emancipated, marry, join the armed services, die, or become self-supporting; or until further order of the court or agreement of the parties. The child support obligation shall continue beyond the age of 18 and until high school graduation for any child who is dependent in fact, between the ages of 18 and 19, and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19.

If the child support ordered deviates from the guidelines more than 5%, the factual findings which support that deviation are: _____

_____.

4. Retroactive Child Support and/or Arrearages

{If both parents are ordered to pay retroactive child support and/or arrearages, please include a separate paragraph for each parent.}

a. _____ Parent *{name or designation}* _____ shall pay retroactive child support in the amount of \$ _____ as of *{date}* _____ to the Petitioner. The retroactive child support shall be paid in the amount of \$ _____ per month, payable _____ in accordance with the employer's payroll cycle, and in any event at least once per month, or _____ other *{explain}* _____ commencing *{date}* _____, until paid in full including statutory interest.

b. _____ Parent *{name or designation}* _____ owes child support arrearages in the amount of \$ _____ as of *{date}* _____ to the other parent. The child support arrearages shall be paid in the amount of \$ _____ per month, payable _____ in accordance with the parent's employer's payroll cycle, and in any event at least once per month, or _____ other *{explain}* _____ commencing *{date}* _____, until paid in full including statutory interest.

5. Insurance

{Indicate all that apply}

a. Parent *{name or designation}* _____ shall be required to maintain _____ health and/or _____ dental insurance for the parties' minor child(ren), so long as reasonable in cost and accessible to the children. The party providing insurance shall be required to convey insurance cards demonstrating said coverage to the Petitioner and other parent.

OR

_____ health and/or _____ dental insurance is either not reasonable in cost or accessible to the children at this time.

b. _____ Reasonable and necessary uninsured medical/dental/prescription drug costs for the minor children shall be assessed as follows:

_____ Shared equally by both parents.

_____ Prorated according to the child support guidelines percentages.

_____ Other *{explain}* _____

As to these uninsured medical/dental/prescription drug expenses, the party who incurs the expense shall submit a request for reimbursement to the parent or parents within 30 days, and the parent or parents, within 30 days of receipt, shall submit the applicable reimbursement for that expense.

SECTION V. METHOD OF PAYMENT

The parent(s) shall pay court-ordered child support and arrearages, if any, as follows:

1. Place of Payment

a. _____ Parent(s) shall pay court-ordered support directly to either the State Disbursement Unit or the central depository, as required by statute, along with any fee required by statute.

OR

b. _____ The Petitioner and the Parent(s) have requested and the Court finds that it is in the best interest of the children that support payments need not be directed through either the State Disbursement Unit or the central depository at this time; however, any party may subsequently apply, pursuant to section 61.13(1)(d)(3), Florida Statutes, to require payment through either the State Disbursement Unit or the central depository.

2. Income Deduction

(If applicable)

a. _____ **Immediate.**

_____ Parent {*name or designation*} _____ and {*if applicable*}
_____ Parent {*name or designation*} _____, hereinafter, Obligor(s), shall pay through income deduction, pursuant to a separate Income Deduction Order which shall be effective immediately. Obligor(s) is (are) individually responsible for paying this support obligation until all of said support is deducted from his/her income. Until support payments are deducted, the Obligor(s) is (are) responsible for making timely payments directly to the State Disbursement Unit or the Petitioner as previously set forth in this Order.

b. _____ **Deferred.** Income deduction is ordered this day, but it shall not be effective until a delinquency of \$ _____, or, if not specified, an amount equal to one month's obligation occurs. Income deduction is not being implemented immediately based on the following findings: Income deduction is **not** in the best interests of the children because: {*explain*} _____

_____.

AND

There is proof of timely payment of a previously ordered obligation without an Income Deduction Order;

AND

_____ there is an agreement by the Obligor(s) to advise the Title IV-D agency, the clerk of court, and the Petitioner of any change in Payor(s) and/or health insurance;

OR

_____ there is a signed, written agreement providing an alternative arrangement between the Petitioner and the Obligor(s) and, at the option of the IV-D agency, by the IV-D agency in IV- D cases in which there is an assignment of support rights to the state,

reviewed and entered into the record by the court.

c. Bonus/one-time payments.

{Choose **one** only}

_____ All

_____ %

_____ No income paid in the form of a bonus or other similar one-time payment, up to the amount of any arrearage or the remaining balance thereof owed pursuant to this order, shall be forwarded to the Petitioner pursuant to the payment method prescribed above.

d. Other provisions relating to method of payment: _____

_____.

SECTION VI. ATTORNEY'S FEES, COSTS, AND SUIT MONEY

{Choose **one** only}

1. The _____ Petitioner's _____ Respondents' request(s) for attorney's fees, costs, and suit money is (are) denied because _____

_____.

2. _____ The Court finds there is a need for and ability to pay attorney's fees, costs, and suit money. _____ Petitioner _____ Respondent(s) is (are) ordered to pay the other party \$_____ in attorney's fees, and \$_____ in costs. The Court further finds that the attorney's fees are awarded based on the reasonable rate of \$_____ per hour and _____ reasonable hours. Other provisions relating to attorney's fees, costs, and suit money are as follows: _____

_____.

SECTION VII. OTHER PROVISIONS

1. **Other Provisions** _____

_____.

2. The Court reserves jurisdiction to modify and enforce this Order for Temporary Custody.

3. Either or both parents may petition the Court to modify or terminate this Order at any time.

4. The Court may modify this Order if the parties consent or it is in the children's best interest.

5. This Order shall be terminated upon a finding that the parent or parents are fit parents or by consent of the parties; however, the Court may require the parties to comply with provisions approved in the Order which are related to a reasonable plan for transitioning custody to the parent or parents before terminating the Order.

6. If this Order is entered after a finding that the children's parent or parents are unfit and the

children are in temporary custody with an extended family member for a significant period of time, the Court, after considering statutory factors, may establish conditions, which are in the children's best interests, for transitioning custody to the children's parent or parents.

ORDERED in _____, Florida on _____.

CIRCUIT JUDGE

I certify that a copy of this Order for Temporary Custody was _____ mailed _____ faxed and mailed _____ e-mailed _____ hand-delivered to the parties and any entities listed below on *{date}*

_____.

by _____
{Clerk of court or designee}.

Petitioner (or his or her attorney)

Respondents (or his or her attorney(s))

_____ State Disbursement Unit

_____ Central Depository

_____ Other _____

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No: _____
Division: _____

IN THE INTEREST OF

Children

_____,
Petitioner,
and

Respondent/_____,

Respondent/_____.

ORDER GRANTING PETITION FOR CONCURRENT CUSTODY BY EXTENDED FAMILY

This case came before this Court for a hearing on a Petition for Concurrent Custody by Extended Family. The Court, having reviewed the file and heard the testimony, makes these findings of fact and reaches these conclusions of law:

SECTION I. FINDINGS:

1. The Court has jurisdiction over the subject matter and the parties.
2. The minor children at issue in this matter are:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

3. The Petitioner, {full legal name} _____
{choose **one** only}
_____ is the {extended family relationship} _____ of the children

OR
_____ qualifies as "fictive kin" as defined in section 39.01, Florida Statutes.

4. The Petitioner currently has physical custody of the children or has had physical custody of the children for at least 10 days in any 30-day period within the last 12 months.

5. The Petitioner does not have signed, written documentation from the parent(s) which is sufficient to enable the custodian to do all the things necessary to care for the children which are available to custodians who have an order for temporary custody by extended family.

6. Parent *{full legal name}* _____ of the children:
{Choose one only}
 Filed a Waiver and Consent
 Was served with the petition and failed to file an Answer
 Is deceased as evidenced by: _____

7. Parent *{full legal name}* _____ of the children:
{Choose one only}
 Filed a Waiver and Consent
 Was served with the petition and failed to file an Answer
 Is deceased as evidenced by: _____

8. It is in the best interest of the children for the Petitioner to have concurrent custody.

9. A Transition Plan is not required for the best interests of the children prior to restoring full custody;
OR
 The following Transition Plan is in the best interests of the children and is Ordered prior to restoring full custody: _____

SECTION II: CONCURRENT CUSTODY

1. The Petitioner, _____, is granted concurrent custody of the minor children.

2. The Petitioner shall have all the concurrent rights and responsibilities of a legal parent.

3. The Petitioner is authorized, concurrently with the children’s parents, to make all reasonable and necessary decisions for the minor children, including but not limited to:
 - a. Consent to all necessary and reasonable medical and dental care for the children, including nonemergency surgery and psychiatric care;

 - b. Secure copies of the children’s records, held by third parties, that are necessary for the care

of the children, including, but not limited to: medical, dental, and psychiatric records; birth certificates and other records; and educational records;

c. Enroll the children in school and grant or withhold consent for the children to be tested or placed in special school programs, including exceptional education; and

d. Do all other things necessary for the care of the children.

SECTION III. CHILD SUPPORT

{Insert the name or designation of the appropriate parent in the space provided}

1. The Petitioner _____ did _____ did not request the establishment of child support.

2. _____ **If child support is requested**, the parents have received personal or substituted service of process, the petition requests an order for support of the children, and there is evidence of the parents' ability to pay the support ordered.

_____ Parent *{name or designation}* _____ and *{if applicable}*
_____ Parent *{name or designation}* _____ has the present ability to pay child support.

{Choose one only}

a. _____ The amounts in the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e) filed by

_____ Parent *{name or designation}* _____
_____ Parent *{name or designation}* _____ are correct;

OR

b. _____ The Court makes the following findings:

Parent *{name or designation}* _____'s net monthly income is \$_____, (Child Support Guidelines ____%).

Parent *{name or designation}* _____'s net monthly income is \$_____, (Child Support Guidelines ____%).

Monthly childcare costs are \$_____.

Monthly health/dental insurance costs are \$_____.

OR

c. _____ Parent *{name or designation}* _____ is currently ordered to pay child support to the other parent in the amount of \$_____ per _____ as established in the case of *{style of case and number}* _____.

_____ All of the child support or _____ a portion of the child support in the amount of \$_____ shall be **redirected** to the Petitioner.

3. **Amount**

a. **Parent *{name or designation}* _____'s Obligation**

Parent *{name or designation}* _____ shall be obligated to pay child support at the

rate of \$_____ per month for the _____ children *{total number of parties' minor or dependent children}* commencing _____ *{month, day, year}* and terminating _____ *{month, day, year}*. Child support shall be paid in the amount of \$_____ per _____ *{week, month, other}* which is consistent with Parent *{name or designation}* _____'s current payroll cycle.

Upon the termination of child support for one of the parties' children, child support in the amount of \$_____ for the remaining _____ children *{total number of remaining children}* shall be paid commencing _____ *{month, day, year}* and terminating _____ *{month, day, year}*. This child support shall be paid in the amount of \$_____ per _____ *{week, month, other}* consistent with Parent *{name or designation}* _____'s current payroll cycle.

{Insert paragraph for the child support obligation, including the amount, and commencement and termination dates, for the remaining minor or dependent children, which shall be payable as the obligation for each child ceases.}

Parent *{name or designation}* _____ shall pay child support until all of the minor or dependent children: reach the age of 18, become emancipated, marry, join the armed services, die, or become self-supporting; or until further order of the court or agreement of the parties. The child support obligation shall continue beyond the age of 18 and until high school graduation for any child who is dependent in fact, between the ages of 18 and 19, and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19.

If the child support ordered deviates from the guidelines more than 5%, the factual findings which support that deviation are: _____

_____.

b. Parent *{name or designation}* _____'s Obligation

Parent *{name or designation}* _____ shall be obligated to pay child support at the rate of \$_____ per month for the _____ children *{total number of parties' minor or dependent children}* commencing _____ *{month, day, year}* and terminating _____ *{month, day, year}*. Child support shall be paid in the amount of \$_____ per _____ *{week, month, other}* consistent with Parent *{name or designation}* _____'s current payroll cycle.

Upon the termination of the obligation of child support for one of the parties' children, child support in the amount of \$_____ for the remaining _____ children *{total number of remaining children}* shall be paid commencing _____ *{month, day, year}* and terminating _____ *{month, day, year}*. This child support shall be paid in the amount of \$_____ per _____ *{week, month, other}* consistent with Parent *{name or designation}* _____'s current payroll cycle.

{Insert paragraph for the child support obligation, including the amount, and commencement and termination dates, for the remaining minor or dependent children, which shall be payable as the obligation for each child ceases.}

Parent *{name or designation}* _____ shall pay child support until all of the minor or dependent children: reach the age of 18; become emancipated, marry, join the armed services, die, or become self-supporting; or until further order of the court or agreement of the parties. The child support obligation shall continue beyond the age of 18 and until high school graduation for any child who is dependent in fact, between the ages of 18 and 19, and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19.

If the child support ordered deviates from the guidelines more than 5%, the factual findings which support that deviation are: _____

_____.

4. Retroactive Child Support and/or Arrearages

{If both parents are ordered to pay retroactive child support and/or arrearages, please include a separate paragraph for each parent.}

a. _____ Parent *{name or designation}* _____ shall pay retroactive child support in the amount of \$ _____ as of *{date}* _____ to the Petitioner. The retroactive child support shall be paid in the amount of \$ _____ per month, payable _____ in accordance with the employer's payroll cycle, and in any event at least once per month _____ other *{explain}* _____ commencing *{date}* _____, until paid in full including statutory interest.

b. _____ Parent *{name or designation}* _____ owes child support arrearages in the amount of \$ _____ as of *{date}* _____ to the other parent. The child support arrearages shall be paid in the amount of \$ _____ per month, payable _____ in accordance with the parent's employer's payroll cycle, and in any event at least once per month, or _____ other *{explain}* _____ commencing *{date}* _____, until paid in full including statutory interest.

5. Insurance

{Indicate all that apply}

a. _____ Parent *{name or designation}* _____ shall be required to maintain _____ health and/or _____ dental insurance for the parties' minor children, so long as reasonable in cost and accessible to the children. The party providing insurance shall be required to convey insurance cards demonstrating said coverage to the Petitioner and other parent.

OR

_____ health and/or _____ dental insurance is either not reasonable in cost or accessible to the children at this time.

- b. _____ Reasonable and necessary uninsured medical/dental/prescription drug costs for the minor children shall be assessed as follows:
 _____ Shared equally by both parents.
 _____ Prorated according to the child support guidelines percentages.
 _____ Other *{explain}* _____

As to these uninsured medical/dental/prescription drug expenses, the party who incurs the expense shall submit a request for reimbursement to the parent or parents within 30 days, and the parent or parents, within 30 days of receipt, shall submit the applicable reimbursement for that expense.

SECTION IV. METHOD OF PAYMENT

The parent(s) shall pay court-ordered child support and arrearages, if any, as follows:

1. Place of Payment

- a. _____ Parents shall pay court-ordered support directly to either the State Disbursement Unit or the central depository, as required by statute, along with any applicable fee required by statute.

OR

- b. _____ The Petitioner and the Parents have requested and the court finds that it is in the best interest of the children that support payments need not be directed through either the State Disbursement Unit or the central depository at this time; however, any party may subsequently apply, pursuant to section 61.13(1)(d)(3), Florida Statutes, to require payment through either the State Disbursement Unit or the central depository.

2. Income Deduction

(If applicable)

- a. _____ **Immediate.**

_____ Parent *{name or designation}* _____,
 _____ Parent *{name or designation}* _____,
 hereinafter, Obligor(s), shall pay through income deduction, pursuant to a separate Income Deduction Order which shall be effective immediately. Obligor(s) is(are) individually responsible for paying this support obligation until all of said support is deducted from his/her income. Until support payments are deducted, the Obligor(s) is (are) responsible for making timely payments directly to the State Disbursement Unit or the Petitioner as previously set forth in this Order.

- b. _____ **Deferred.** Income deduction is ordered this day, but it shall not be effective until a delinquency of \$ _____, or, if not specified, an amount equal to one month's obligation occurs. Income deduction is not being implemented immediately based on the following findings: Income deduction is **not** in the best interests of the children because:
{explain} _____

AND

There is proof of timely payment of a previously ordered obligation without an Income Deduction Order,

AND

_____ there is an agreement by the Obligor(s) to advise the Title IV-D agency, the clerk of court, and the Petitioner of any change in Payor(s) and/or health insurance;

OR

_____ there is a signed, written agreement providing an alternative arrangement between the Petitioner and Obligor(s) and, at the option of the IV-D agency, by the IV-D agency in IV-D cases in which there is an assignment of support rights to the state, reviewed and entered into the record by the court.

c. Bonus/one-time payments.

{Choose one only}

_____ All

_____ %

_____ No income paid in the form of a bonus or other similar one-time payment, up to the amount of any arrearage or the remaining balance thereof owed pursuant to this order, shall be forwarded to the Petitioner pursuant to the payment method prescribed above.

d. Other provisions relating to method of payment: _____

_____.

SECTION V. ATTORNEY'S FEES, COSTS, AND SUIT MONEY

{Choose one only}

1. The _____ Petitioner's _____ Respondent's request(s) for attorney's fees, costs, and suit money is (are) denied because _____

_____.

2. _____ The Court finds there is a need for and ability to pay attorney's fees, costs, and suit money. _____ Petitioner _____ Respondent(s) is (are) ordered to pay the other party \$_____ in attorney's fees, and \$_____ in costs. The Court further finds that the attorney's fees are awarded based on the reasonable rate of \$_____ per hour and _____ reasonable hours. Other provisions relating to attorney's fees, costs, and suit money are as follows:

_____.

SECTION VI. CUSTODIAL RIGHTS OF CHILDREN'S PARENTS NOT ELIMINATED OR DIMINISHED

The granting of concurrent custody does not affect the ability of the children's parent or parents to obtain physical custody of the children at any time; however, the Court may approve provisions which are related to the children's best interest, including a reasonable Transition Plan, before custody is returned to the children's parent or parents.

SECTION VII. OTHER PROVISIONS

- 1. Other Provisions _____

 _____.
- 2. The Court reserves jurisdiction to modify and enforce this Order for Concurrent Custody.
- 3. This Order shall be terminated upon a finding that either or both of the children’s parents object to it; however, the Court may require the parties to comply with provisions approved in the Order relating to transitioning custody before terminating the Order.

ORDERED in _____, Florida on _____

CIRCUIT JUDGE

I certify that a copy of this Order for Concurrent Custody was: _____ mailed _____ faxed and mailed _____ e-mailed _____ hand-delivered to the parties and any entities listed below on *{date}* _____.

by _____
{Clerk of court or designee}

Petitioner (or his or her attorney)
 Respondents (or his or her attorneys)
 _____ State Disbursement Unit
 _____ Central Depository
 _____ Other _____