

Supreme Court of Florida

No. SC10-2344

IN RE: AMENDMENTS TO THE FLORIDA SUPREME COURT APPROVED FAMILY LAW FORMS.

[April 7, 2011]

PER CURIAM.

Pursuant to the procedures approved by this Court in Amendments to the Florida Family Law Rules of Procedure & Family Law Forms, 810 So. 2d 1, 14 (Fla. 2000), this Court has internally reviewed the Florida Supreme Court Approved Family Law Forms and has determined that new forms pertaining to petitions for temporary or concurrent custody should be adopted. We received input on these issues from the Advisory Workgroup on the Florida Supreme Court Approved Family Law Forms, which provided valuable assistance. We have jurisdiction. See art. V, § 2(a), Fla. Const.

In chapter 2010-30, Laws of Florida, the Florida Legislature adopted amendments to Chapter 751, Florida Statutes, related to the issue of temporary and

concurrent child custody.¹ Specifically, in chapter 2010-30, the legislature amended sections 751.01, 751.011, 751.02, 751.03, and 751.05, Florida Statutes; as amended, these sections set forth the procedures for filing petitions for temporary and concurrent custody arrangements; the notice and opportunity to be heard that must be afforded to the child's parents; and the trial court's responsibilities in considering the petition. Upon consideration of these amendments, we adopt the following new Supreme Court Approved Family Law Forms: form 12.970(a) (Petition for Temporary Custody by Extended Family); form 12.970(b) (Petition for Concurrent Custody by Extended Family); form 12.970(c) (Waiver of Service of Process and Consent for Temporary Custody by Extended Family); form 12.970(d) (Waiver of Service of Process and Consent for Concurrent Custody by Extended Family); form 12.970(e) (Order Granting Petition for Temporary Custody by Extended Family); and form 12.970(f) (Order Granting Petition for Concurrent Custody by Extended Family).

The new forms are adopted as set forth in the appendix to this opinion, fully engrossed and ready for use. The forms shall become effective immediately upon the release of this opinion. The forms may also be accessed and downloaded from the Florida State Court's website at

1. The legislative amendments took effect July 1, 2010. See Ch. 2010-30, § 9, Laws of Fla.

www.flcourts.org/gen_public/family/forms_rules/index.shtml. By adoption of the new forms, we express no opinion as to their correctness or applicability. We also direct that the new forms be published for comment. Interested persons shall have sixty days from the date of this opinion to file comments with the Court.²

It is so ordered.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, POLSTON, LABARGA, and PERRY, JJ., concur.

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

Original Proceeding – Florida Supreme Court Family Law Forms

Steven Patrick Combs, Chair, the Family Law Rules Committee, Jacksonville, Florida,

for Petitioner

2. An original and nine paper copies of all comments must be filed with the Court on or before June 6, 2011, as well as 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. Electronic copies of all comments also must be filed in accordance with the Court's administrative order In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004).

APPENDIX

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.970(a), PETITION FOR TEMPORARY CUSTODY BY EXTENDED FAMILY (04/11)

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 child(ren)'s parents as an adverse party.

You may file a Petition for Temporary Custody if:

You have the signed, notarized consents of the child(ren)'s legal parents;

OR

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

If one of the minor child(ren)'s parents objects to the Petition, the court shall grant the Petition only upon a finding, by clear and convincing evidence, that the child(ren)'s parent or parents are unfit to provide for the care and control of the child(ren). In determining that a parent is unfit, the court must find that the parent has abused, abandoned, or neglected the child(ren), 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.

What should I do next?

IF YOU HAVE SIGNED AND NOTARIZED WAIVERS OF SERVICE OF PROCESS AND CONSENTS from the child(ren)'s mother and father, and the case is uncontested, you may call 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 child(ren)'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(b), 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 call 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 child(ren)'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 child(ren).

Where can I look for more information?

Instructions for Florida Supreme Court Approved Family Law Form 12.970(a), Petition for Temporary Custody By Extended Family (04/11)

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: _____

_____,
Petitioner,

and

_____,
Respondent/Mother,

_____,
Respondent/Father.

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 child(ren):

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 child(ren) has(have) lived during the past 5 years, the places where the child(ren) has(have) lived during the past 5 years, and information concerning any custody proceeding in this or any other state with respect to the child(ren). **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 child(ren) within the third degree by blood or marriage to a parent;
OR

_____ The stepparent of the minor child(ren), is married to the ()Mother ()Father 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.

5. Petitioner's relationship to the minor child(ren) 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 child(ren)'s legal parents;
OR
____ Petitioner is caring full time for the child(ren) in the role of a substitute parent and the
child(ren) currently live with the Petitioner.

If Petitioner does not have the signed consents from both parents or is not caring for the child(ren) 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 mother of the child(ren) is _____, whose current address is: _____.

9. The legal father of the child(ren) is _____, whose current address is: _____.

10. The Consents of _____ Father **and/or** _____ Mother is/are attached to the Petition.

OR

{If Applicable} The Consent of the _____ 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 child(ren) as defined in Chapter 39, Florida Statutes are: (attach additional sheets if necessary)

_____.

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

The reasons that support this request are: _____

_____.

12. It is in the best interests of the child(ren) that the Petitioner have temporary custody of the child(ren) for the following reasons: _____

_____.

13. ORDER OF PROTECTION

___ Petitioner **IS NOT** aware of any temporary or permanent order for protection entered on behalf of or against either parent, the Petitioner, or the child(ren) in Florida or any other jurisdiction.

OR

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

_____.

14. TEMPORARY OR PERMANENT CHILD SUPPORT ORDERS

___ Petitioner **IS NOT** aware of any temporary or permanent orders for child support for the minor child(ren).

OR

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

_____.

15. 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)

___ Petitioner requests the court to order the parents to pay child support.

___ Petitioner requests the court to redirect all or part of Mother's and/or Father's existing child support obligation to the Petitioner.

___ Petitioner requests the court to redirect all or part of Mother's and/or Father's existing child support obligation to the Petitioner, and to award the Petitioner child support arrearages.

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

17. Other

_____.

WHEREFORE, Petitioner requests that this Court grant the Petitioner temporary custody of the child(ren) 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: _____

STATE OF FLORIDA
COUNTY OF _____

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

NOTARY PUBLIC OR DEPUTY CLERK

Print, type, or stamp commissioned name of notary or 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]

I, {full legal name and trade name of nonlawyer} _____
a nonlawyer, whose address is {street} _____,
{city} _____, {state} _____, {phone} _____, helped
{name} _____ who is the Petitioner, fill out this form.

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.970(b), PETITION FOR CONCURRENT CUSTODY BY EXTENDED FAMILY (04/11)

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 child(ren)'s parents as an adverse party.

You may file a Petition for Concurrent Custody if:

You have the signed, notarized consents of the child(ren)'s legal parents;

OR

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

In addition, you must currently have physical custody of the child(ren) and have had physical custody of the child(ren) 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 child(ren).

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.

What should I do next?

IF YOU HAVE SIGNED AND NOTARIZED WAIVERS OF SERVICE OF PROCESS AND CONSENTS from the child(ren)'s mother and father, you may call the clerk, **family law intake staff**, or **judicial assistant**, to set

Instructions for Florida Supreme Court Approved Family Law Form 12.970(b), Petition for Concurrent Custody By Extended Family (04/11)

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 child(ren)'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 child(ren)'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 child(ren)'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

Instructions for Florida Supreme Court Approved Family Law Form 12.970(b), Petition for Concurrent Custody By Extended Family (04/11)

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: _____

_____,
Petitioner,
and
_____,
Respondent/Mother,
_____,
Respondent/Father.

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 child(ren):
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 child(ren) has (have) lived during the past 5 years, the places where the child(ren) has(have) lived during the past 5 years, and information concerning any custody proceeding in this or any other state with respect to the child(ren). **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 child(ren) within the third degree by blood or marriage to a parent;
OR
_____ The stepparent of the minor child(ren), is married to the ()Mother ()Father 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.

5. Petitioner's relationship to the minor child(ren) is: _____.
6. The residence and post office address of the Petitioner is: _____
_____.
7. The legal mother of the child(ren) is _____, whose current address is: _____.
8. The legal father of the child(ren) is _____, whose current address is: _____.
9. Petitioner currently has physical custody of the child(ren) and has had physical custody of the child(ren) 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 child(ren) have resided with the Petitioner:

_____.
10. 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 child(ren).
11. *{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 child(ren): _____

These documents are attached to this Petition as Exhibit _____.
12. Petitioner is unable to obtain or undertake the following services or actions without an order of custody:

_____.
13. The Consents of _____ Father **and/or** _____ Mother is/are attached to the Petition.
OR
[If applicable] The Consent of the _____ is not attached because that parent is deceased. A certified copy of the proof of death is attached.
14. Petitioner requests concurrent custody be granted for the following period of time: _____.
The reasons that support this request are: _____

_____.

15. It is in the best interests of the child(ren) that the Petitioner have concurrent custody of the child(ren) for the following reasons: _____

_____.

16. ORDER OF PROTECTION

___ Petitioner **IS NOT** aware of any temporary or permanent order for protection entered on behalf of or against either parent, the Petitioner, or the child(ren) in Florida or any other jurisdiction.

OR

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

_____.

17. TEMPORARY OR PERMANENT CHILD SUPPORT ORDERS

___ Petitioner **IS NOT** aware of any temporary or permanent orders for child support for the minor child(ren).

OR

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

_____.

18. 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)

___ Petitioner requests the court to order the parents to pay child support.

___ Petitioner requests the court to redirect all or part of Mother's and/or Father's existing child support obligation to the Petitioner.

___ Petitioner requests the court to redirect all or part of Mother's and/or Father's existing child support obligation to the Petitioner, **and** to award the Petitioner child support arrearages.

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

20. Other _____

_____.

WHEREFORE, Petitioner requests that this Court grant the Petitioner concurrent custody of the child(ren) 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: _____

STATE OF FLORIDA
COUNTY OF _____

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

NOTARY PUBLIC OR DEPUTY CLERK

Print, type, or stamp commissioned name of notary or 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]

I, {full legal name and trade name of nonlawyer} _____
a nonlawyer, whose address is {street} _____,
{city} _____, {state} _____, {phone} _____, helped
{name} _____ who is the Petitioner, fill out this form.

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 (04/11)

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.

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.

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: _____

_____,
Petitioner,

and

_____,
Respondent/Mother,

_____,
Respondent/Father.

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

I, _____, the legal _____ Mother _____ Father of

{child(ren)'s name(s)} _____, 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 Name} _____.

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

1. Consent to all necessary and reasonable medical and dental care for the child(ren), 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 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 child(ren) in school and grant or withhold consent for the child(ren) to be tested or placed in special school programs, including exceptional education; and
4. Do all other things necessary for the care of the child(ren).

I realize that the custody of my child(ren) by the Petitioner is temporary and that I may, at any time, petition the court to return legal custody to me.

Dated: _____

Signature of Parent
Printed Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Fax Number: _____

STATE OF FLORIDA
COUNTY OF _____

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

NOTARY PUBLIC OR DEPUTY CLERK

Print, type, or stamp commissioned name of notary or
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]

I, {full legal name and trade name of nonlawyer} _____
a nonlawyer, whose address is {street} _____,
{city} _____, {state} _____, {phone} _____,
helped {name} _____ who is a Respondent, fill out this form.

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 (04/11)

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.

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.

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: _____

_____,
Petitioner,

and

_____,
Respondent/Mother,

_____,
Respondent/Father.

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

I, _____, the legal _____ Mother _____ Father of
{child(ren)'s name(s)} _____, 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 child(ren) and that such concurrent custody is in the best interest of the child(ren).

Upon entry of an Order, the Petitioner shall be able to:

1. Consent to all necessary and reasonable medical and dental care for the child(ren), 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 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 child(ren) in school and grant or withhold consent for the child(ren) to be tested or placed in special school programs, including exceptional education; and
4. Do all other things necessary for the care of the child(ren).

I realize that the concurrent custody of my child(ren) by the Petitioner is temporary and that I may, at any time, petition the court to return legal custody to me.

Dated: _____

Signature of Parent
Printed Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Fax Number: _____

STATE OF FLORIDA
COUNTY OF _____

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

NOTARY PUBLIC OR DEPUTY CLERK

Print, type, or stamp commissioned name of notary or 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]

I, {full legal name and trade name of nonlawyer} _____
a nonlawyer, whose address is {street} _____,
{city} _____, {state} _____, {phone} _____,
helped {name} _____ who is a Respondent, fill out this form.

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

Case No: _____

Division: _____

_____,
Petitioner,

and

_____,
Respondent/Mother

_____,
Respondent/Father.

**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 child(ren) at issue in this matter are:

Name

Date of Birth

Name	Date of Birth
_____	_____
_____	_____
_____	_____

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

4. The Mother *{full legal name}* _____ of the child(ren):
(Choose **one** only)

Filed a Waiver and Consent

Was served with the petition and failed to file an Answer

___ Is deceased as evidenced by: _____
___ Objected to the petition. Based upon clear and convincing evidence, the Court finds that the Mother is unfit to provide for the care and control of the child(ren). Specifically, the Mother has abused, abandoned, or neglected the child(ren) as defined in Chapter 39, Florida Statutes. It is in the best interest of the child(ren) that the Petitioner have temporary custody because: *{facts in support of finding}* _____

_____.

5. The Father *{full legal name}* _____ of the child(ren):
(Choose **one** only)

___ Filed a Waiver and Consent
___ Was served with the petition and failed to file an Answer
___ Is deceased as evidenced by: _____
___ Objected to the petition. Based upon clear and convincing evidence, the Court finds that the Father is unfit to provide for the care and control of the child(ren). Specifically, the Father has abused, abandoned, or neglected the child(ren) as defined in Chapter 39, Florida Statutes. It is in the best interest of the child(ren) that the Petitioner have temporary custody because: *{facts in support of finding}* _____

_____.

6. It is in the best interest of the child(ren) for the Petitioner to have temporary custody.

SECTION II: TEMPORARY CUSTODY

1. The Petitioner, _____, is granted temporary custody of the minor child(ren).
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 child(ren), including but not limited to:
 - a) Consent to all necessary and reasonable medical and dental care for the child(ren), including nonemergency surgery and psychiatric care;

- b) Secure copies of the child(ren)'s records, held by third parties, that are necessary for the care of the child(ren), including, but not limited to:
 - i. Medical, Dental, and psychiatric records;
 - ii. Birth certificates and other records; and
 - iii. Educational records.
- 4. Enroll the child(ren) in school and grant or withhold consent for the child(ren) to be tested or placed in special school programs, including exceptional education; and
- 5. Do all other things necessary for the care of the child(ren).

SECTION III. TEMPORARY TIME-SHARING WITH MINOR CHILD(REN)

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

- 1. ___ **reasonable** time-sharing with the minor child(ren) as agreed to by the parties, subject to the following limitations: _____
_____.
- 2. ___ the following **specified time-sharing schedule**: *{specify days and times}* _____
_____.
Mother's Temporary Time-Sharing Schedule.

_____.
Father's Temporary Time-Sharing Schedule.

_____.
- 3. ___ Time-Sharing in accordance with the temporary **Parenting Plan** attached as Exhibit ____.
- 4. ___ () Mother () Father shall have **No Contact** with the minor child(ren) until further order of the Court, due to existing conditions that are detrimental to the welfare of the minor child(ren): *{explain}* _____

_____.

SECTION IV. CHILD SUPPORT

- 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 child(ren), and there is evidence of the parents' ability to pay the support ordered. The () Mother () Father has the present ability to pay child support.

(Choose **one** only)

___ The amounts in the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e) filed by the () Mother () Father are correct;

OR

___ The Court makes the following findings: The Mother's net monthly income is \$_____, (Child Support Guidelines ___%). The Father's net monthly income is \$_____, (Child Support Guidelines ___%) Monthly child care costs are \$_____. Monthly health/dental insurance costs are \$_____.

OR

___ The () Mother () Father 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) **Father's Obligation**

The Father shall be obligated to pay child support in the amount of \$_____ for the_____ children *{total number of parties' minor or dependent children}* commencing _____ *{month, day, year}* and terminating _____ *{month, day, year}*.

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}*.

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

The Father 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: _____

_____.

Child support shall be payable () at least once a month and in accordance with Father's employer's payroll cycle, or () other {explain} _____
_____.

b) Mother's Obligation

The Mother shall be obligated to pay child support in the amount of \$_____ for the _____ children {total number of parties' minor or dependent children} commencing _____ {month, day, year} and terminating _____ {month, day, year}.

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}.

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

The Mother 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: _____
_____.

_____.

Child support shall be payable () at least once a month and in accordance with the Mother's employer's payroll cycle, or () other *{explain}* _____.

_____.

4. Arrearages/Retroactive Child Support

a) The () Mother () Father owes child support arrearages in the amount of \$_____ as of *{date}* _____ to the other parent. The child support arrearages shall be repaid 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) The () Mother () Father owes retroactive child support in the amount of \$_____ as of *{date}* _____ to the Petitioner. The retroactive child support shall be repaid 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.

5. Insurance

(Choose **all** that apply)

a) () Mother () Father 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 child(ren). 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 child(ren) at this time.

b) ___ Reasonable and necessary uninsured medical/dental/prescription drug costs for the minor child(ren) 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. State Disbursement Unit

(Choose if applies)

- a) ___ Parent(s) shall pay court-ordered support directly to the State Disbursement Unit along with the deposit service charge.

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

2. Income Deduction

(If applicable)

- a) ___ **Immediate.** () Mother () Father shall pay through income deduction, pursuant to a separate Income Deduction Order which shall be effective immediately. Payor is individually responsible for paying this support obligation until all of said support is deducted from his/her income. Until support payments are deducted, the Payor is 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 child(ren) 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 Payor(s) to advise the State Disbursement Unit of any change in Payor(s) or health insurance OR () there is a signed, written

agreement providing an alternative arrangement between the Petitioner and Payor(s).

3. 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.

4. Other provisions relating to method of payment: _____
_____.

SECTION VI. ATTORNEY FEES, COSTS, AND SUIT MONEY

(Choose **one** only)

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

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

DONE AND ORDERED in _____, Florida on *{date}* _____

CIRCUIT JUDGE

A copy of this Order for Temporary Custody was: [Choose **one** only]
() mailed () faxed and mailed () hand delivered to the parties listed below on
{date} _____ by _____ *{clerk of court or designee}*.

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

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

Case No: _____

Division: _____

_____,
Petitioner,

and

_____,
Respondent/Father

_____,
Respondent/Mother.

**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 child(ren) at issue in this matter are:

Name

Date of Birth

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

4. The Petitioner currently has physical custody of the child(ren) and has had physical custody of the child(ren) 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 child(ren) which are available to custodians who have an order for temporary custody by extended family.

6. The Mother *{full legal name}* _____ of the child(ren):
 (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. The Father *{full legal name}* _____ of the child(ren):
 (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 child(ren) for the Petitioner to have concurrent custody.

SECTION II: CONCURRENT CUSTODY

1. The Petitioner, _____, is granted concurrent custody of the minor child(ren).

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

3. The Petitioner is authorized to make all reasonable and necessary decisions for the minor child(ren), including but not limited to:
 - a) Consent to all necessary and reasonable medical and dental care for the child(ren), including nonemergency surgery and psychiatric care;
 - b) Secure copies of the child(ren)'s records, held by third parties, that are necessary for the care of the child(ren), including, but not limited to:
 - i. Medical, Dental, and psychiatric records;
 - ii. Birth certificates and other records; and
 - iii. Educational records.

4. Enroll the child(ren) in school and grant or withhold consent for the child(ren) to be tested or placed in special school programs, including exceptional education; and

5. Do all other things necessary for the care of the child(ren).

SECTION III. CHILD SUPPORT

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 child(ren), and there is evidence of the parents' ability to pay the support ordered. The () Mother () Father has the present ability to pay child support

(Choose **one** only)

___ The amounts in the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e) filed by the () Mother () Father are correct;

OR

___ The Court makes the following findings: The Mother's net monthly income is \$_____, (Child Support Guidelines ___%). The Father's net monthly income is \$_____, (Child Support Guidelines ___%) Monthly child care costs are \$_____. Monthly health/dental insurance costs are \$_____.

OR

___ The () Mother () Father 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) Father's Obligation

The Father shall be obligated to pay child support in the amount of \$_____ for the _____ children *{total number of parties' minor or dependent children}* commencing _____ *{month, day, year}* and terminating _____ *{month, day, year}*.

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}*.

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

The Father 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: _____

_____.

Child support shall be payable () at least once a month and in accordance with the Father's employer's payroll cycle, or () other {explain} _____
_____.

b) Mother's Obligation

The Mother shall be obligated to pay child support in the amount of \$_____ for the _____ children {total number of parties' minor or dependent children} commencing {month, day, year} and terminating _____ {month, day, year}.

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}.

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

The Mother 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: _____

_____.

Child support shall be payable () at least once a month and in accordance with the Mother's employer's payroll cycle, or () other {explain} _____

_____.

4. Arrearages/Retroactive Child Support

- a) The () Mother () Father owes child support arrearages in the amount of \$_____ as of {date} _____ to the other parent. The child support arrearages shall be repaid 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) The () Mother () Father owes retroactive child support in the amount of \$_____ as of {date} _____ to the Petitioner. The retroactive child support shall be repaid 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.

5. Insurance

(Choose **all** that apply)

- a) () Mother () Father 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 child(ren). 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 child(ren) at this time.

- b) ___ Reasonable and necessary uninsured medical/dental/prescription drug costs for the minor child(ren) 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. State Disbursement Unit

(Choose if applies)

- a) ___ Parent(s) shall pay court-ordered support directly to the State Disbursement Unit along with the deposit service charge.
- b) ___ The Petitioner and the Parents have requested and the court finds that it is in the best interest of the child(ren) that support payments need not be directed through the State Disbursement Unit at this time; however, any party may subsequently apply, pursuant to section 61.13(1)(d)(3), Florida Statutes, to require payment through the State Disbursement Unit.

2. Income Deduction

(If applies)

- a) ___ **Immediate.** () Mother () Father shall pay through income deduction, pursuant to a separate Income Deduction Order which shall be effective immediately. Payor is individually responsible for paying this support obligation until all of said support is deducted from his/her income. Until support payments are deducted, the Payor is 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 child(ren) 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 Payor(s) to advise the State Disbursement Unit of any change in Payor(s) or health insurance **OR** () there is a signed, written agreement providing an alternative arrangement between the Petitioner and Payor(s).

3. 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.

4. Other provisions relating to method of payment: _____

SECTION V. ATTORNEY FEES, COSTS, AND SUIT MONEY

(Choose **one** only)

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

SECTION VI. OTHER PROVISIONS

1. **Other Provisions** _____

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

3. The granting of concurrent custody does not affect the ability of the child(ren)'s parent or parents to obtain physical custody of the child(ren) at any time.

DONE AND ORDERED in _____, Florida on *{date}* _____

CIRCUIT JUDGE

A copy of this Order for Concurrent Custody was:

[Choose **one** only] () mailed () faxed and mailed () hand delivered to the parties listed below on *{date}* _____ by _____ . *{Clerk of court or designee}*

Petitioner (or his or her attorney)

Respondents (or his or her attorney)

State Disbursement Unit

Other _____