

PROPOSED RULE AMENDMENTS FROM THE FAMILY LAW RULES COMMITTEE CONCERNING ESTABLISHMENT OF A PARENTING PLAN/TIME-SHARING AFTER ENTRY OF AN ADMINISTRATIVE ORDER OF CHILD SUPPORT

The Family Law Rules Committee invites comments on the proposed rule amendment anticipated to be included in a report to the court concerning adding a new form for use to establish parental responsibility and a time-sharing schedule after a Department of Revenue administrative action. The full text of the proposal can be found on The Florida Bar’s website at www.floridabar.org/rules/ctproc/.

Interested persons have until May 30, 2021, to submit any comments, electronically, to Cory Brandfon, Chair of the Family Law Rules Committee, at cory@harrishunt derr.com, and to the Bar staff liaison Mikalla Davis at midavis@floridabar.org.

Form 12.908	16-2-0	Adds a new form regarding establishing parental responsibility and a time-sharing schedule after a Department of Revenue administrative action.
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**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.908
PETITION TO ESTABLISH PARENTAL RESPONSIBILITY AND A
PARENTING PLAN/TIME-SHARING SCHEDULE (--/--)**

When should this form be used?

This form should be used by a parent to ask the court to establish parental responsibility and a parenting plan/time-sharing schedule, if child support has already been ordered in a Department of Revenue Administrative action and the parents are not married.

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 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?

For your case to proceed, you must properly notify the **respondent** of the **petition**. If you know where he or she lives, you should use **personal service**. If you absolutely do not know where he or she lives, you may use **constructive service**. However, if constructive service is used, the court may only grant limited relief. You should seek legal advice on constructive service. For more information see chapter 49, Florida Statutes.

If personal service is used, the **respondent** has 20 days to answer after being served with your petition. Your case will then generally proceed in one of the following three ways:

DEFAULT... If after 20 days, no **answer** has been filed, you may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk of court. Then, if you have filed all of the required papers, you may call the clerk, **family law intake staff**, or **judicial assistant** to set a **final hearing**. You must notify the other party of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

UNCONTESTED... If the respondent files an answer that agrees with everything in your petition or an answer and waiver, **and** you have complied with **mandatory disclosure** and filed all of the required papers, you may call the clerk, family law intake staff, or judicial assistant to set a final hearing. You must notify the other party of the hearing by using a **Notice of Hearing (General)**, Florida Supreme Court Approved Family Law Form 12.923, or other appropriate notice of hearing form.

CONTESTED... If the respondent files an answer or an answer and **counterpetition**, which disagrees with or denies anything in your petition, **and** you are unable to settle the disputed issues, you should file a **Notice for Trial**, Florida Supreme Court Approved Family Law Form 12.924, after you have complied with mandatory disclosure, completed the **scientific paternity testing**, if necessary, and filed all of the required papers. Then you should contact the clerk, family law intake staff, or judicial assistant for instructions on how to set your case for **trial** (final hearing). If the respondent files an answer and counterpetition, you should answer the counterpetition within 20 days using an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.983(d).

A copy of this form should be sent to the Child Support Program at the Department of Revenue.

Where can I look for more information?

Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms. The words that are in “**bold underline**” in these instructions are defined there. For further information, see chapter 742, Florida Statutes.

Special notes...

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these

forms, that person must give you a copy of a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900 (a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

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

Case No.: _____

Division: _____

Petitioner,

and

Respondent,

**PETITION TO ESTABLISH PARENTAL RESPONSIBILITY AND A PARENTING PLAN/TIME-SHARING
SCHEDULE**

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

This is an action to determine parental responsibility and a parenting plan/time-sharing
schedule under chapter 61 and 409, Florida Statutes.

SECTION I.

Name	Birth Date
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____
(5) _____	_____
(6) _____	_____

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

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

3. _____ (_____) Petitioner (_____) Respondent has been ordered to pay child support for the above-named child(ren) in *{county}* _____, *{state}*. **A copy of the child support order is attached.**

4. _____ Both parties are over the age of 18, and neither is, nor has been within a 30-day period immediately prior to this date, a person in the military service of the United States as defined by the Amended Sailors' and Soldiers' Civil Relief Act of 1940.

5. _____ Neither Petitioner nor Respondent is mentally incapacitated.

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

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

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

a. _____ shared by both parents.

b. _____ shared by both parents with ultimate decision making authority to _____ Petitioner _____ Respondent in _____ education _____ non-emergency medical decisions _____ other _____

c. awarded solely to _____ Petitioner _____ Respondent. Shared parental responsibility would be detrimental to the child(ren) because: _____

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

The attached proposed Parenting Plan should be adopted by the court. The parties _____ have _____ have **not** agreed to the Parenting Plan.

The court should establish a Parenting Plan with the following provisions:

- No time-sharing for the: _____ Petitioner _____ Respondent
- Limited time-sharing with the _____ Petitioner _____ Respondent
- Supervised time-sharing for the _____ Petitioner _____ Respondent
- Supervised or third-party exchange of the child(ren).
- Time-sharing schedule as follows: _____

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

4. Petitioner () requests () does not request that child support be modified, consistent with the Petition to Establish a Parenting Plan/Time-Sharing schedule, if appropriate.

5. If necessary, a Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), () is, or () will be filed.

6. A completed Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), () is, or () will be filed, if necessary .

7. A completed Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d), is filed with this petition.

8. If not previously filed in this case, a completed Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j), is filed with this petition.

PETITIONER’S REQUEST

Petitioner requests that the Court enter an order that: [all that apply]

a. adopts or establishes a Parenting Plan containing provisions for parental responsibility and time-sharing for the minor or dependent child(ren);

b. other relief as follows: _____

Under penalties of perjury, I declare that I have read this document and the facts stated in it are true.

Dated: _____

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

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, THEY 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} _____, {telephone number} _____.