

SELF-HELP PROCEDURES FOR FILING PETITION TO DISESTABLISH PATERNITY AND TERMINATE CHILD SUPPORT

If the Court or Department of Revenue has entered an order establishing paternity, and/or child support of a minor child(ren) and you have newly discovered evidence related to the paternity of the child, you may file a Petition to Disestablish Paternity and for Related Relief. Please read the instruction sheet on General Information for Self Represented Litigants before proceeding.

There are fees for filing this petition and for service by the Sheriff's Office (if needed). If you cannot pay the fees at the time of filing because of unemployment or insufficient income, you may meet the criteria to be declared indigent. You must complete a Civil Affidavit/Application for Indigent Status with the Clerk of Court. Once you have completed this form, the Clerk of Court will determine if you meet the criteria for indigency. If you meet the criteria, your filing fee will be waived.

*** *IF the Department of Revenue, Child Support Enforcement* represents the other party, you are required to serve the Department of Revenue, Child Support Enforcement Agency, LEGAL SERVICES UNIT, 2205 La Vista Avenue Suite A, Pensacola FL 32504.

Definition

Petitioner: Individual making a written request.

Respondent: Individual receiving or answering written request.

Before a request to Disestablish Paternity can be filed, you must have a current address on the respondent. (employer's address may be used). The address is needed so that he or she may be served with the appropriate pleadings.

FOR A LIST OF WHAT DOCUMENTS NEED TO BE FILED, PLEASE SEE THE ATTACHED CHECKLIST.

You may need to obtain additional forms depending on your circumstances. The questions that follow this checklist may help you to determine other forms you may need. Additional forms may be obtained from the Clerk of Court, Family Law Division, 2nd Floor, M. C. Blanchard Judicial Building, 190 Governmental Center, Pensacola, Florida or most can be downloaded from the Internet at www.flcourts.org and/or www.escambiaclerk.com.

WHERE DO I FILE?

Once you have completed the required documents, you must file the **original** documents with the **Family Law Clerk of Court located at the M.C. Blanchard Judicial Building, 190 Governmental Center, Pensacola, Florida, 32502 (2nd floor) Ph: (850) 595-4331**. Take the original and one copy to the Clerk's office and keep a copy for yourself. Inform the clerk that you are going to have the respondent served, and you will need a Summons.

WHAT DO I DO AFTER I HAVE FILED?

The Clerk will issue a Summons and attach the other set of copies to it. The Summons informs the respondent that he/she will have 20 days to respond to your petition. If the respondent lives in Escambia County, take the summons with attachments to the Escambia County Sheriff's Office Civil Division for service of process on the respondent. The Sheriff's Office will send a Return of Service to you and to the Clerk of Court, stating whether the respondent was or was not served.

WHAT IF THE RESPONDENT DENIES IN HIS ANSWER THAT HE IS THE BIOLOGICAL PARENT OF THE CHILD?

If the other party denies being the parent of the child, either party may file form 12.983(e) **Motion for Scientific Paternity Testing** and request a hearing on the matter. Make certain you provide a copy of the Motion for Scientific Paternity Testing to the other party in the case.

WHAT IF THE RESPONDENT DOES NOT FILE AN ANSWER OR SUBMIT REQUIRED DOCUMENTS?

Once the respondent has been served or waived service, he/she will have 20 days to file an Answer. If the respondent fails to serve or file a response or any paper within the 20 days allowed, you may file a **Motion for Default**. **With the Motion for Default**, you must also file Form 12.912(b) **Nonmilitary Affidavit (if you are certain the other party is not in the military)**.

When **ALL** required documents have been completed, all required time periods have passed (i.e., 20 days for the respondent to answer) and you believe your case is ready for a final hearing, **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES (TWO FIRST CLASS STAMPS ON EACH) - ONE ADDRESSED TO EACH PARTY**. Your case will be reviewed and a hearing date, trial date or further instructions will be provided to you by mail. PLEASE DO NOT CALL TO INQUIRE.

NOTICE OF LIMITATION OF SERVICES PROVIDED

This list of forms and procedural information should be considered as a guideline and not legal advice. It is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets or liabilities. The personnel who assist you are not acting as your lawyer or providing legal advice to you. The personnel who assist you are not acting on behalf of the Court or any Judge. The presiding Judge in your case may require amendment of a form or substitution of a different form, other than those you may have obtained from the Clerk's office, online, or from a legal forms provider. The form(s) you file are only a request to the Court. The Judge is not required to grant the relief requested in a form. The personnel who assist you cannot tell you what your legal rights or remedies are, represent you in court, or tell you how to testify in court. The procedural services provided by the personnel are available to all persons who are or will be parties to a family case. The information you give to and receive from the personnel who assist you is not confidential and may be subject to disclosure at a later date. Nothing you may tell family court personnel is confidential. If another person involved in your case seeks assistance, that person will be given the same type of assistance you receive.

Clerk's Office Family Law Division: 595-4331

Court Administration Family Law Pro Se Case Managers:

Divisions L, L3, YL and SL (850) 595-4407

Divisions M, M3, YM, and SM (850) 595-3735

Divisions P, YP and SP (850) 595-1452

E-PORTAL EMAIL REGISTRATION INSTRUCTIONS

The Escambia County Courthouse Family Law Division is preparing to go “paperless”. To receive copies of any documents filed in your case by e-mail, including Orders and Judgments, you will need to register for an account on the Florida Courts E-Filing Portal. There is no cost or charge for this service.

1. Go to the following Website: <https://www.myflcourtaccess.com/>
2. Click on: “File Now”
3. Register for an account using the Role “Self-Represented Litigant”
4. Complete your personal email information
5. Click on: “Register”
6. You will receive an email to activate your account
7. Follow the instructions in that email to activate your account

Once you are registered, any documents filed with the Clerk of Court regarding your case will be **automatically** emailed to you as soon as they are filed with the Clerk.

If you would like to review further information on filing as a Self-Represented Litigant, go to:
http://archive.flclerks.com/e-Filing_Authority/Resources/Manuals/Manuals_2016/Self-Represented_Litigant_E-Filer_Manual_June_2016.pdf

There is a computer located in the law library on the first floor of the Escambia County Judicial Building that is setup and reserved for Pro Se litigants should they need a terminal for registering and/or filing to the portal. There is an instructional document, located on the desktop of the computer, for e-filing as well as for registering with the E-Portal. There are also direct links to the Clerk's site and E-portal site located on the computer's desktop.

Please note the Law Librarians are unable to provide technical support for this terminal, but contact information is available should anyone need assistance.