

## SELF-HELP PROCEDURES FOR FILING PETITION TO ESTABLISH VISITATION WITH MINOR CHILD(REN)

If the Court or Department of Revenue has entered an order establishing paternity, custody, and/or child support of a minor child(ren) but visitation was not ordered, you may file a Petition to Establish Visitation with Minor Child(ren). 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 obtaining service of process by the Sheriff, you will need to take a copy of the Civil Affidavit/Application to the Sheriff's Office along with your summons and attachments.

### Definition

**Petitioner:** Individual making this request/individual requesting visitation

**Respondent:** Individual receiving this request/individual who has custody

Before a Petition to Establish Visitation can be filed, you **must have a current address on the respondent (employer's address may be used).** The address is needed in order to serve him or her with the petition.

Below is a checklist of forms and requirements. **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, Juvenile Division, 1800 St. Mary Avenue, Pensacola, Florida or you may check for the form at the [www.flcourts.org](http://www.flcourts.org) or [www.escambiaclerk.com](http://www.escambiaclerk.com) website.

### Required information and documents to be filed (you may use this as a checklist):

1. \_\_\_ **Petition to Establish Visitation with Minor Child(ren).**
2. \_\_\_ **Acknowledgment of Limitation of Services** (must be filed with the petition).
3. \_\_\_ **Form 12.902(d) Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit (must be notarized).**
4. \_\_\_ **Form 12.910(a) Summons and Form: 12.910 (b) Process Service Memorandum or Acceptance of Service and Waiver of Service of Process by Sheriff** (when the parties agree to waive service by the sheriff). If the party lives in another county, the Summons and Process Service Memorandum need to be served by a sheriff or certified process server in that county. The Clerk of Court will prepare the summons for service in Escambia County.
5. \_\_\_ **Any other order of the court relating to custody, visitation or child support** of the dependent or minor children must be filed along with your petition.
6. \_\_\_ **Final Judgment Establishing Visitation with Minor Child(ren) (must be accurately and neatly typed for the Judge to sign).** The required composition of the Final Judgment may be complex and you may need assistance from a lawyer or forms provider. You must provide the original Final Judgment, two (2) additional copies and two (2) self addressed stamped envelopes to the Clerk's Office before you can get a final hearing date.
7. \_\_\_ **Waiver of Appearance on Petition to Establish Visitation with Minor Child(ren).** Only

court staff can determine whether or not you are eligible to proceed without a hearing. You will be notified if you are eligible after you have filed your Request for Trial/Hearing.

8. \_\_\_\_12.900(a) **Disclosure from Non-lawyer** - if a person who is not a lawyer helped you complete your paperwork.

#### **Where do I file?**

Once you have completed the required documents, you must file the **original** documents with the **Juvenile Clerk of Court located at 1800 St. Mary Avenuer, Pensacola, Florida, 32501 F (850) 595-3780**. 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 if the parties agree to the visitation?**

If the parties are in agreement, then the respondent may waive service by the Sheriff Department by signing an **Acceptance of Service and Waiver of Service of Process by Sheriff**. He/she must also file an Answer agreeing to the visitation requested in the Petition or the parties can file a stipulated agreement that is signed by both parties. This may make you eligible to proceed without a hearing, but this can only be determined by court staff once you file a Request for Hearing.

#### **What do I do after I have filed?**

If service is needed, 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 does not file an answer?**

Once the respondent has been served, 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, **YOU MUST FILE A REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES - 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. YOUR CASE WILL BE HANDLED IN THE ORDER IN WHICH IT WAS RECEIVED SO 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 in the self-help program are not acting as your lawyer or providing legal advice to you. Self-help personnel 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 any you may have obtained from the clerk's office, the self-help office or legal forms provider. The form(s) you file are only a request of the Court. The judge is not required to grant the relief requested in a form. The personnel in this self-help program cannot tell you what your legal rights or remedies are, represent you in court or tell you how to testify in court. Self-help services are available to all persons who are or will be parties to a family case. The information you give to and

receive from self-help personnel 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 from the self-help program, that person will be given the same type of assistance you receive.

**Clerk's Office Juvenile Division: 595-4331**

**Court Administration Family Law Self Help Office: 595-3736**