

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 a **final hearing**. You must notify the child(ren)'s parents of the hearing by using a **Notice of Hearing**

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

(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 **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
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_____	_____	_____
_____	_____	_____
_____	_____	_____

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.