

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.983(a),
PETITION TO DETERMINE PATERNITY AND FOR RELATED RELIEF

When should this form be used?

This form should be used by a birth mother or father to ask the court to establish **paternity**, custody, visitation, and/or **child support** of a minor child or children. This means that you are trying to legally establish who is the father of the child(ren).

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?

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 in a paternity case. For more information see chapter 49, Florida Statutes, or you may contact Child Support Enforcement at the Florida Department of Revenue if you need assistance with your case.

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).

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...

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.

More than one child of the same alleged father may be listed on a single petition. However, if you are filing a paternity action involving more than one possible father, a separate petition must be filed for each alleged father.

If the respondent files an answer denying that the person named in the petition is the child(ren)'s father, one of you should file a Motion for **Scientific Paternity Testing**, Florida Supreme Court Approved Family Law Form 12.983(e). This is used to ask the court to order a scientific test to determine who is the child(ren)'s father.

If the father signed papers at the hospital acknowledging that he was the father, paternity was established as a matter of law. This should be checked on page 2, section 9a on this form.

If the paternity of a child who was conceived or born during a marriage is at issue, the court may appoint a **guardian ad litem** to assist the court in this matter and to protect the rights of child.

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 Social Security Number**, Florida Supreme Court Approved Family Law Form 12.902(j).
- **Family Law Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). (This must be filed within 45 days if not filed with the petition.)
- **Certificate of Compliance with Mandatory Disclosure**, Florida Family Law Rules of Procedure Form 12.932. (This must be filed within 45 days, if not filed with the petition, unless you and the other party have agreed not to exchange these documents.)
- **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e). (If you do not know the other party's income, you may file this worksheet after his or her financial affidavit has been filed.)

Child Custody... The judge will decide the parenting arrangements based on the child(ren)'s best interests. Regardless of whether there is an agreement between the parties, the court reserves jurisdiction to modify issues relating to minor or dependent child(ren).

The judge may request a **parenting evaluation** or appoint a **guardian ad litem** in your case. This means that a neutral person will review your situation and report to the judge concerning parenting issues. The purpose of such intervention is to be sure that the best interests of the child(ren) are being served. For more information, you may consult sections 61.401–61.405, Florida Statutes.

Listed below are some terms with which you should become familiar before completing your petition. **If you do not fully understand any of the terms below or their implications, you should speak with an attorney before going any further.**

- **Shared Parental Responsibility**
- **Sole Parental Responsibility**

- **Rotating Custody**
- **Primary residence**
- **Secondary Residential Responsibility**
- **Reasonable visitation**
- **Specified visitation**
- **Supervised visitation**
- **No contact**

Many circuits require that parents of a minor or dependent child(ren) who are involved in divorce or paternity actions attend a **parenting course** and/or **mediation** before being allowed to schedule a final hearing. You should check with your local clerk of court's office, family law intake staff, or judicial assistant for more information on the parenting course and mediation requirements in your area.

Child Support... The court may order one parent to pay **child support** to assist the other parent in meeting the child(ren)'s material needs. **Both parents are required to provide financial support**, but one parent may be ordered to pay a portion of his or her support for the child(ren) to the other parent.

If you are requesting custody or **primary residential responsibility** for one or more children, you should request child support in your petition. Florida has adopted guidelines for determining the amount of child support to be paid. These guidelines are based on the combined income of **both** parents and take into account the financial contributions of both parents. You should file a **financial affidavit**, and the other parent will be required to do the same. From your financial affidavits, you should be able to calculate the amount of child support that should be paid. Because the child support guidelines take several factors into consideration, change over time, and vary from state to state, your child support obligation may be more or less than that of other people in seemingly similar situations.

Final Judgments... These family law forms contain a **Final Judgment of Paternity**, Florida Supreme Court Approved Family Law Form 12.983(g), which the judge may use. You should check with the clerk, family law intake staff, or judicial assistant to see if you need to bring it with you to the hearing. If so, you should type or print the heading, including the circuit, county, case number, division, and the parties' names, and leave the rest blank for the judge to complete at your hearing or trial.

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 DETERMINE PATERNITY AND FOR RELATED RELIEF

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

This is an action for paternity and to determine custody, parental responsibility, and child support under chapter 742, Florida Statutes.

SECTION I.

1. Petitioner is the () mother () father of the following minor child(ren):

Name	Place of Birth	Birth date	Sex
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____
(5) _____	_____	_____	_____
(6) _____	_____	_____	_____

2. Petitioner currently lives at: *{street address, city, state}* _____
_____.

3. Respondent currently lives at: *{street address, city, state}* _____
_____.

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.

6. 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.

7. A completed **Notice of Social Security Number**, Florida Supreme Court Approved Family Law Form 12.902(j), is filed with this petition.

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

9. **Paternity Facts.**

[one only]

- a. Paternity has previously been established as a matter of law.
- b. The parties engaged in sexual intercourse with each other in the month(s) of *{list month(s) and year(s)}* _____
at *{city and state}* _____.

As a result of the sexual intercourse, () Petitioner () Respondent conceived and gave birth to the minor child(ren) named in paragraph 1. () Petitioner () Respondent is the natural father of the minor child(ren). The mother () was () was not married at the time of the conception and/or birth of the minor child(ren) named in paragraph 1. If the mother was married, the name and address of her husband at the time of conception and/or birth is:

SECTION II. CHILD CUSTODY, PARENTAL RESPONSIBILITY, AND VISITATION

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

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

[one only]

- a. shared by both Father and Mother.
- b. awarded solely to () Father () Mother. Shared parental responsibility would be detrimental to the child(ren) because: _____

_____.

3. **Primary Residential Parent (Custody).** It is in the best interests of the child(ren) that the primary residential parent be () Father () Mother () undesignated () rotating because _____

_____.

4. **Visitation or Time Sharing.** Petitioner requests that the Court order

[all that apply]

- a. no visitation.
- b. limited visitation.
- c. supervised visitation.
- d. supervised or third-party exchange of child(ren).
- e. visitation or time sharing as determined by the Court.
- f. a visitation or time sharing schedule as follows:
Explain the requested visitation or time sharing schedule: _____

_____.

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

_____.

Has the above visitation or time sharing schedule been agreed to by the parties? () yes () no

5. The minor child(ren) should

[√ only one]

- ___ a. retain his/her (their) present name(s).
- ___ b. receive a change of name as follows:

present name(s)

be changed to

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
- (6) _____

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
- (6) _____

SECTION III. CHILD SUPPORT

[√ all that apply]

___ 1. Petitioner requests that the Court award child support as determined by Florida’s child support guidelines, section 61.30, Florida Statutes. A completed **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e), is, or will be, filed. Such support should be ordered retroactive to

[√ one only]

- ___ a. the date when the parents did not reside together in the same household with the child, not to exceed a period of 24 months before the date of filing of this petition.
- ___ b. the date of the filing of this petition.
- ___ c. other: {date} _____ . {Explain}

___ 2. Petitioner requests that the Court award a child support amount that is more than or less than Florida’s child support guidelines. Petitioner understands that a **Motion to Deviate from Child Support Guidelines**, Florida Supreme Court Approved Family Law Form 12.943, **must** be completed before the Court will consider this request.

___ 3. Petitioner requests that medical/dental insurance coverage for the minor child(ren) be provided by:

[√ one only]

- ___ a. Father.
- ___ b. Mother.

___ 4. Petitioner requests that uninsured medical/dental expenses for the child(ren) be paid by:

[√ one only]

- ___ a. Father.
- ___ b. Mother.
- ___ c. Father and Mother each pay one-half.
- ___ d. Father and Mother each pay according to the percentages in the **Child Support Guidelines Worksheet**, Florida Family Law Rules of Procedure Form 12.902(e).
- ___ e. Other {explain}: _____

- ___ 5. Petitioner requests that life insurance to secure child support be provided by:
 [one only]
- ___ a. Father.
 ___ b. Mother.
 ___ c. Both.
- ___ 6. () Petitioner () Respondent () Both has (have) incurred medical expenses in the amount of \$_____ on behalf of the minor child(ren), including hospital and other expenses incidental to the birth of the minor child(ren). There should be an appropriate allocation or apportionment of these expenses.
- ___ 7. () Petitioner () Respondent () Both has (have) received past public assistance for this (these) minor child(ren).

PETITIONER’S REQUEST

1. Petitioner requests a hearing on this petition and understands that he or she must attend the hearing.
2. Petitioner requests that the Court enter an order that:
 [all that apply]
- ___ a. establishes paternity of the minor child(ren), ordering proper scientific testing, if necessary;
 ___ b. establishes parental responsibility, custody, and visitation of the minor child(ren);
 ___ c. awards child support, including medical/dental insurance coverage for the minor child(ren);
 ___ d. determines the appropriate allocation or apportionment of all expenses incidental to the birth of the child(ren), including hospital and medical expenses;
 ___ e. determines the appropriate allocation or apportionment of all other past, present, and future medical and dental expenses incurred or to be incurred on behalf of the minor child(ren);
 ___ f. changes the child(ren)’s name(s);
 ___ g. other relief as follows: _____

 _____; and
 grants such other relief as may be appropriate and in the best interests of the minor child(ren).

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: _____
 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, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the petitioner, fill out this form.