

CASE PROGRESSION CHECKLIST ORIGINAL PETITIONS

This checklist has been prepared to assist you with the necessary procedure for bringing your case to final hearing. This checklist lists the minimum requirements and, even though fairly specific, may not be all-inclusive for every case. **It is not intended, and should not be substituted for proper legal advice from an attorney.** You should, however, find that making sure all necessary steps noted below are followed would reduce procedural difficulties and time delays.

I. INITIAL FILING:

A. Petition for (check one).

_____ Petition for Support Unconnected with Dissolution of Marriage With Dependent or Minor Child(ren)-Form 12.904(a).

_____ Petition for Support Unconnected With Dissolution of Marriage With No Dependent or Minor Child(ren)-Form 12.904(b).

_____ Petition to Determine Paternity and for Related Relief - Form 12.983(a).

_____ Petition for Change of Name (Adult)/Order - Form 12.982(a).

_____ Petition for Change of Name (Minor Child)/Order - Form 12.982(c).

_____ Petition for Change of Name (Family) - Form 12.982(f).

_____ Joint Petition to Determine Paternity and for Related Relief – Form FFLF-L

B. Required forms filed with initial petition.

_____ Financial Affidavit-Form 12.902(b) or 12.902(c), (not needed in name change proceedings.)

_____ Notice of Social Security Number – Form 12.902(j).

_____ Corroborating Witness Affidavit (12.902(i)) or photocopy of Florida Drivers License, Florida Identification Card, or Voters I.D. (issue date of copied document must be at least six months before date case is filed with Clerk of Court.)

_____ Affidavit of Military Service - Form 12.912(b) (Required only for obtaining a default on petitions that have been personally or constructively served, not required with any joint form.)

_____ Process Service Memorandum - Form 12.910(b) (If filing for grandparent visitation, both natural or adopted parents must be individually served with the petition.) (Not required if both parties have signed and filed a joint supplemental petition, if you are filing an Adult Name Change or if absent parent has signed consent to adoption.)

-AND- if children are involved:

_____ Uniform Child Custody Jurisdiction and Enforcement Affidavit (UCCJEA) – Form 12.902(d).

_____ Child Support Guideline Worksheet – Form 12.902(e), if you are asking that child support be ordered in the final judgment. (If you do not know the other party’s income, you may file this worksheet after his or her financial affidavit has been served to you.)

_____ Parenting Plan – Form 12.995(a)

-OR-

_____ Supervised/Safety-Focused Parenting Plan – Form 12.995(b)

-OR-

_____ Relocation/Long Distance Parenting Plan – Form 12.995(c)

Except in actions for Adult Name Change, exchange of mandatory disclosure documents required by Fla. Fam. L.R.P. 12.285.

_____ Certificate of Compliance with Mandatory Disclosure - Form 12.932.

OR:

_____ Waiver of Mandatory Disclosure documents signed by both parties (cannot waive Financial Affidavits.)

_____ Notice of Related Cases – Form 12.900(h)

_____ Process Service Memorandum – Form 12.910(b).

_____ Supplemental Information Regarding Parties

_____ Civil Cover Sheet (local requirement.)

C. Required fees.

_____ Filing fee paid or fee waiver granted by Court.

_____ Fees paid for process service by Pasco County Sheriff, or fees waiver granted. (Separate check or money order made payable to the Sheriff). If service is required outside of Pasco County, the party who filed the petition must obtain service procedure information including fees from the county where the other party resides. This information along with applicable fees must be provided to the Clerk’s Office. The Clerk’s Office will prepare the summons and forward the paperwork to the address provided. Most other states will not honor a Florida Affidavit of Indigence.

If both parties have signed and filed a joint supplemental petition, or, if you are filing for an Adult Name Change, you may skip Section II entitled, “Service of Process.” The remaining sections still apply.

II. SERVICE OF PROCESS:

A. Personal Service.

_____ Summons returned “served” and filed by Clerk - Form 12.910(a).

_____ After 20 days plus 5 days of mailing have passed from the day Respondent was served, check to see whether Respondent filed an answer or **any** paper within the 25 day period. If yes, you may check this item. **(If both checked, skip to Section III; if no answer filed, go to “B”).**

_____ Summons returned “not served” and filed by Clerk - Form 12.910(a).

_____ Request clerk issue an alias summons, if new address is known.

(If proper service is not obtained, the court cannot hear your case.)

_____ Constructive service also known as “service by publication.” (Can only be used if you do not know where your spouse is – this can be a very complicated area of the law.)

_____ Affidavit of Diligent Search and Inquiry – Form 12.913(b).

_____ Affidavit of Diligent Search – Form 12.913(c).

_____ Notice of Action appropriate to the type of case being filed. You will need to find an appropriate form in the law library or seek legal advice to draw up the appropriate form yourself.

If constructive service is used, other than granting a dissolution, the court may grant only limited relief. This is a complicated area of the Law and you may wish to consult with an attorney before using constructive service.

B. Default.

_____ Respondent failed to answer or file any paper after service.

_____ Motion for Default filed with Clerk - Form 12.922(a) (no sooner than 25 days after date of service.) **and**

_____ Default entered by Clerk- Form 12.922(b)

_____ Respondent filed a form, but not an answer, you will need to motion the court to enter a default and set a hearing on your motion.

Only now is the case potentially ready for setting for trial/final hearing.

III. SETTING A HEARING:

NOTE: When scheduling a case for hearing in Pasco County, please follow these instructions instead of any other instructions that may be included in this packet.

After answer is filed or Clerk enters default:

_____ Prepare a Motion to Set Final Hearing and file it with the Clerk of Circuit Court. (see address below)

You must also provide the following additional paperwork along with the Motion to Set Final Hearing:

_____ Notice of Hearing and two copies

_____ Two stamped envelopes, one addressed to you and the other addressed to your spouse.

******If you asked the Clerk of Court to keep your address CONFIDENTIAL, do not address your envelope******

You will receive your Notice of Hearing in a couple of weeks which will provide you with the date and time of your final hearing. **If you have not provided the necessary paperwork your hearing may be delayed.**

Please make arrangements for child care if applicable. Children are not allowed to attend without prior Order, per Fla.Fam.L.R.P. 12.407.

NOTE: If you determine that additional forms are required for your type of action, or if you require another copy of a form that was provided within this packet, you may purchase a form(s) for a nominal fee at the office of the Clerk of Circuit Court, or at the Pasco Law Library.

Address for Clerk of Circuit Court

BY MAIL: Clerk of Circuit Court, P.O. Drawer 338, New Port Richey, FL 34656-0338

IN PERSON: Clerk of Circuit Court, West Pasco Judicial Center, 7530 Little Rd, New Port Richey, FL

-or- Robert D. Sumner Judicial Center, 38053 Live Oak Avenue, Dade City, FL

The Legal Resource Center is located in New Port Richey and Dade City at the following locations:

New Port Richey: West Pasco Judicial Center, 7530 Little Road, New Port Richey, FL

Dade City: Robert D. Sumner Judicial Center, 38053 Live Oak Ave, Dade City, FL