

## HOW TO RECEIVE A HEARING BEFORE THE ST. PETERSBURG GENERAL MAGISTRATE (FOR SELF-REPRESENTED PARTIES):

### THINGS YOU NEED TO KNOW BEFORE YOU CAN SET YOUR COURT HEARING

*Because you are not represented by an attorney, you need to read this information carefully.*

Anyone who is self-represented (representing yourself in court without an attorney, previously referred to as **pro se**) is subject to the same rules of procedure as an attorney. For that reason, you need to be familiar with [Rule 12.490, Florida Family Law Rules of Procedure](#), which governs proceedings before General Magistrates, and any other appropriate Florida Family Law Rules of Procedure. This is important because it is **YOUR** responsibility to ensure that you have filed ALL the paperwork necessary for your hearing, **BEFORE** you can ask for a hearing.

*The court, court employees, and Clerk of Court employees cannot give you legal advice.* If you are unsure about how to proceed, you are encouraged to seek advice from a lawyer. The Clerk's Legal Self Help Center (727-582-7941) can give you limited information about free or low-cost options for speaking with an attorney.

### A few things you should know:

The "party" or "parties" to your case are you and the other person in your case (i.e. your spouse, former spouse, or other parent of your child). Occasionally, the Department of Revenue (19361 US Hwy. 19 N., Clearwater, FL 33764) is also a "party" to your case. Generally, *all parties to your case must receive copies of any documents (except SS#) you file with the court. All parties must be notified of any hearings you set with the court.*

If the other party in your case has an attorney, you must provide that attorney's name, address, and telephone number on all motions, petitions and/or notices of hearing you may file with the courts.

You are the person who has filed the Motion or Petition. It is your responsibility to be sure the other party to your case has received a copy of your motion or petition. If you have not done this, you need to take care of it right away.

If you filed a **Petition**, you must have the other party *served* with a copy of the petition by the sheriff in the county where he/she lives, or by a private process server.

If you filed a **Motion**, among your options for ensuring that the other party gets a copy of the motion are the following: hand delivery directly to the other party (not someone else), regular mail, certified mail with return receipt, or service by the sheriff or private process server.

The best proof that the other person received a copy is always a "Return of Service" that will be furnished to you if you have the person served by the sheriff or private process server. **IF, WHEN YOU GET TO THE HEARING, THE GENERAL MAGISTRATE IS NOT SATISFIED THAT THE OTHER PERSON WAS SERVED IN A WAY THAT ENSURES HE/SHE HAS A COPY OF YOUR PETITION OR MOTION, THE GENERAL MAGISTRATE MIGHT POSTPONE OR CANCEL YOUR HEARING.**

## PROCEDURAL REQUIREMENTS

The following are some examples of procedural requirements, and is not intended to be legal advice:

- In a divorce case (with minor children) or paternity action, the required Parent Education and Family Stabilization Course must be completed and course certificate filed with the court by *BOTH* parents prior to the hearing.
- In cases involving financial relief (initial or modified orders of alimony or child support, distribution of assets and debts, etc.), both parties are required to comply with the requirements of [Rule 12.285, Fla. Fam. L. R. P.](#), regarding filing and exchange of financial information. If a party in the case has not complied with mandatory financial disclosure, this should be addressed **before** the final hearing.

If you are certain that you have filed all the *correct* and *completed* paperwork, then you are now ready to ask for your case to be scheduled for a hearing.

### To schedule your hearing:

Call the **Family Law Information and Resource Center (727) 582-7200** and ask if your case is ready for hearing.

- Have your **case number**, paper and pencil ready.
- Staff at the **Information and Resource Center (727-582-7200)** will give you procedural advice regarding the last *two forms* that you will need to fill out in order for your case to be heard by the General Magistrate. *Please follow their instructions carefully.*
- If either party does not speak and understand English well, the party who requested the hearing must **call (727) 453-7177 to arrange a court-certified/qualified interpreter** to be present for the hearing. Friends and relatives will not be allowed to provide language interpretation.

## **THE MOVING/PETITIONING PARTY**

*The following information is very basic and is not intended to substitute for legal advice. Only a licensed attorney may provide legal advice.*

1. If the hearing you are scheduling is a *final hearing* on a **Petition** or a **Supplemental Petition** you *must* use the forms titled:

**Notice that Action is at Issue/Order Setting Non-Jury Trial/Final Hearing**  
(available at <http://www.jud6.org/GeneralPublic/RepresentingYourselfInCourt.html>  
or the Clerk of Court)

### **and Order of Referral to General Magistrate**

(Florida Family Law Rules of Procedure Form 12.920(b))

2. If the hearing you are scheduling is for a *Child Support only* issue (where Department of Revenue is *NOT* a party), please use the form titled:

### **Notice of Hearing Before Child Support Hearing Officer**

(Florida Family Law Rules of Procedure Form 12.921)

3. If the hearing you are scheduling is for *any other issues* please use the forms titled:

### **Order of Referral to General Magistrate**

(Florida Family Law Rules of Procedure Form 12.920(b))

### **and Notice of Hearing before General Magistrate**

(Florida Family Law Rules of Procedure Form 12.920(c))

Notification of the date, time, and place of your hearing will be mailed to both you and the other party by the General Magistrate's Office in the postage-paid envelopes you provide. The only address the court has for the other party is the address you provide on the Notice of Hearing form in this packet. **An accurate address is very important** because the other party has the same right to be heard at the hearing that you have. If, when you get to the hearing, the General Magistrate is not satisfied that the other person's Notice went to the right address, the General Magistrate **might postpone or cancel your hearing**. (If the address you gave was not the right address, you may be able to remedy the situation by making a copy of your notice of hearing and immediately mailing it to the other party's correct address.)

**Your final step:** Once you have completed the appropriate forms, you will need 2 stamped, standard business size envelopes (one addressed to yourself, one addressed to the other party). Take your completed forms and the envelopes and drop them off at **or** mail them to: Office of the General Magistrate, 501 First Ave., N., Room A220, St. Petersburg, FL 33701. **DO NOT FILE THESE WITH THE CLERK OF COURT.** When the hearing has been set, you and the other party will receive the date and time of your hearing in the mail.