

CASE PROGRESSION CHECKLIST SUPPLEMENTAL 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. Supplemental Petition for (check one):

- Supplemental Petition to Modify Parental Responsibility, Visitation or Parenting Plan/Time-Sharing Schedule and Other Relief- Form 12.905(a)
- Supplemental Petition for Modification of Child Support - Form 12.905(b)
- Supplemental Petition for Modification of Alimony - Form 12.905(c)
- Supplemental Petition To Permit Relocation With Minor Child(ren) – Form 12.950(d)
- Supplemental Petition to Establish Parenting Plan (with Time-Sharing Schedule) in a Case to which the Florida Department of Revenue (DOR) is a Party – Form (Local Form)

B. Required forms filed with petition:

- Uniform Child Custody Jurisdiction and Enforcement Affidavit (UCCJEA) – Form 12.902(d), if children involved or requesting a name change on a minor.
- Notice of Social Security – Form 12.902(j)
- 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 your spouse’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)
- Financial Affidavit - Form 12.902(b) or 12.902(c), (not needed in adult name change proceedings)
- 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)

_____ Process Service Memorandum - Form 12.910(b). (Not required if both parties have signed and filed a joint supplemental petition.)

C. Required fees:

_____ Filing fee paid or fee waiver granted by Court

_____ Fees paid for process service by Pasco County Sheriff if service is required, 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 have passed from the day Respondent was served, check to see whether Respondent filed an answer or **any** paper within the 20 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 address is known.

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

_____ Constructive service also known as "service by publication." This can be used only if you do not know where the other party 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 12.914(c)

_____ Notice of Action for Dissolution of Marriage (no Child or Financial Support) – Form 12.913(a)(1)

_____ Notice of Action for Family Cases with minor Child(ren) – Form 12.913(a)(2)

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 20 days after date of service)

and

_____ Default entered by Clerk – Form 12.922(b)

III. MISCELLANEOUS:

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

_____ Certificate of Compliance with Mandatory Disclosure - Form 12.932

OR:

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

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

IV. SETTING A HEARING:

NOTE: When setting 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 form 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. 23.407.

Address for Clerk of Circuit Court

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

In Person: 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