

## 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** (see [Chapter 12 - 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 (11351 Ulmerton Rd, Ste. 207, Largo, FL 33778) 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. (see [Chapter 12 - Florida Family Rules of Procedure](#)), 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 review your case to see whether or not it is ready for a hearing. Your court case will be checked for completeness (if the other party filed a counter-petition, you are required to file an answer to it). If it is ready for hearing, they will pass it on to the General Magistrates' office for scheduling, and you will receive a notice of hearing from their office once it has been scheduled. Any delays in filing requested items may delay the scheduling of your hearing. *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.