

CASE PROGRESSION CHECKLIST

PETITION FOR TEMPORARY OR CONCURRENT CUSTODY UNDER CHAPTER 751

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. Required Forms

- ☐ Petition for Temporary Custody by Extended Family – Form 12.970(a)
- ☐ -OR-
- ☐ Petition for Concurrent Custody by Extended Family – Form 12.970(b)
- ☐ Civil Cover Sheet (local requirement)
- ☐ Uniform Child Custody Jurisdiction and Enforcement Affidavit (UCCJEA) – Form 12.902(d)
- ☐ Notice of Related Cases - Form 12.900(h)

B. Service

Each Parent must either sign a waiver and consent, or be served personally. If the identity of one parent is unknown, you will need to seek legal advice to determine the proper way to serve the unknown parent. If either parent is deceased, you will need to obtain a certified copy of the death certificate.

- ☐ Waiver of Service of Process and Consent for Temporary Custody by Extended Family – Form 12.970(c)
- ☐ -OR-
- ☐ Waiver of Service of Process and Consent for Concurrent Custody by Extended Family – Form 12.970(d)
- ☐ -OR-
- ☐ Summons: Personal Service on an individual – Form 12.910(a)
- ☐ AND
- ☐ Process Service Memorandum – Form 12.910(b)

C. Required Fees

- ☐ Filing fee Paid or fee waiver granted by Court.
- ☐ Fees for process service paid directly to a Process Server. The cost for service is set by the process server, the filing party must obtain service procedures including fees from the process server.

A complete list of Pinellas County process servers can be obtained online at www.mypinellasclerk.org (If waiver not signed)

II. SERVICE OF PROCESS

A. Personal Service (If both parents signed a Consent, skip to Section III)

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

_____ After 20 days have passed from the date parent(s) were served, check to see whether the parent(s) 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 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 parent(s) are. 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 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

_____ Parent(s) 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),

_____ Default entered by Clerk – Form 12.922(b)

And

_____ Affidavit of Military Service – Form 12.912(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

After all paperwork is received by the Clerk's office, the case will be reviewed by the Court's Staff Attorney for accuracy. You will receive correspondence from the Court notifying you of your hearing date or additional items that are required to receive a hearing date.

If thirty (30) days have passed from the date that your case was filed and you have not received correspondence from the Court you may do the following:

_____ Call Family Law at (727)582-7000 to request final hearing. Your court records will be checked for completeness and you will either be given a court calendar date or you will be given further instructions for setting your hearing.

If you do not properly complete this step, your hearing could 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.