

**CASE PROGRESSION CHECKLIST FOR A PETITION FOR CONCURRENT
CUSTODY BY EXTENDED FAMILY
UNDER FLORIDA STATE STATUTE CHAPTER 751**

This checklist has been prepared to assist you with understanding what forms are needed and the procedure for bringing your case to final hearing. This checklist lists the minimum requirements and, even though it is 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 by making sure all necessary steps noted below are followed it will reduce procedural difficulties and time delays.

REQUIRED FORMS -

- Civil Cover Sheet (local requirement)
- Notice of Related Cases - 12.900 (H)
- Petition for Concurrent Custody by Extended Family – Form 12.970(B)
- Uniform Child Custody Jurisdiction and Enforcement Affidavit (UCCJEA) – Form 12.902(D)

ONE OF THE FOLLOWING FOR EACH PARENT -

- Waiver of Service of Process and Consent for Concurrent Custody by Extended Family – 12.970(D)
-OR-
- Default [See I(C) for information on this]
-OR-
- Answer [See I(B) for information on this]
-OR-
- Death Certificate

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- I. **FROM EACH PARENT YOU MUST** obtain a consent **or** serve them with a summons **or** obtain a default **or** file a certified copy of a death certificate if the parent(s) are deceased.
- a. **Consent:** For each parent must complete a Waiver of Service of Process and Consent for Concurrent Custody by Extended Family – 12.970(D). ***This form must also be notarized.***

- b. **Serving a summons [If parent(s) signed a consent skip to Section II] *** Please note if proper service is not obtained, the court cannot hear the matter.**

Complete Summons: Personal Service on an Individual – Form 12.910(A)

-AND-

Process Service Memorandum – 12.910(B)

-AND-

Contact Private Process Server to serve the parent(s) with the summons.

- A complete list of Pinellas County process servers can be obtained online at <https://www.pinellassheriff.gov/civil-process>
- For out of state process servers, you may wish to contact a local law enforcement agency or search the internet for process servers.
- **Please note that any fees for process service will be paid directly to the process server. The cost for service is set by the process server. The filing party must also obtain service procedures including fees from the process server.**

-THEN CHECK WITH THE CLERK OF THE COURT TO SEE IF-
Was the summons [form 12.910(A)] filed with the Clerk and does it indicate “served” or “not served”?

- If it shows as “Served” – wait till 20 days have passed from the date of service and see if the parent(s) filed an answer or any paper.
(If the form indicates “served” and the parent(s) have filed a response, you may skip to Section II).

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- If it shows as “Not served”
 - You may request the Clerk issue an alias summons, if the address is known.
- If you do not know where the parent(s) are you may investigate Constructive Service. This is also known as “service by publication”. **This can be a very complicated area of law, and you may wish to consult an attorney when proceeding with this method.**

Affidavit of Diligent Search and Inquiry – Form 12.913(B)

-AND-

Affidavit of Diligent Search – Form 12.913(C)

-AND-

Notice of Action for Family Cases with Minor Child(ren) – Form 12.913(A)(2)

- c. **Default – This may be requested if the parent(s) failed to answer or file any type of paper after service. To obtain a default, all the forms indicated below must be filed with the Clerk.**

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)

-AND-

Affidavit of Military Service – Form 12.912(B)

II. **Setting a Hearing:**

After filing all necessary paperwork with the Clerk’s office, the case will be reviewed by the Unified Family Court [UFC] staff for accuracy and completeness. If all items are complete, then the UFC staff will set a hearing before the court. If all items are not complete, UFC staff will contact you either by phone or letter. **If your mailing address changes, please update it with the Clerk of Court.**

If [30] days have passed from the date that your case was filed with the Clerk and you have not received correspondence from the Court you may contact (727) 582-7200.

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III. **Required Fees:**

- a. Any required filing fees must be paid to the Clerk of Court, or the court may grant a fee waiver. Please speak to the Clerk of Court on how to obtain this.

IV. **Day of hearing:**

Please plan for childcare the day of the hearing, if applicable. Children are not allowed to attend without prior order, according to Florida Family Law Rules of Procedure 12.407.