



The Guardian Law Firm, P.A.

Serving the One

INFORMATION ONLY

**ANSWER
TO PETITION TO ESTABLISH
PATERNITY AND OTHER RELIEF**

USE THIS PACKET IF:

- 1) THERE HAS NEVER BEEN AN ORDER ADDRESSING PATERNITY, PARENTAL RESPONSIBILITY, PARENTING PLAN/TIMESHARING, CUSTODY, VISITATION, OR CHILD SUPPORT FOR THE CHILD(REN) IN THIS ACTION, and
- 2) YOU ARE THE CHILD'S MOTHER OR BIOLOGICAL FATHER, and
- 3) THE PARTIES ARE NOT MARRIED TO EACH OTHER, and
- 4) THE OTHER PARENT HAS SERVED YOU WITH PATERNITY PAPERS TO ANSWER.

PARENTING CLASS REQUIREMENT

In all cases involving minor or dependent children, both parties are required to attend a parenting class before the case can be scheduled for hearing.

Course Providers

can be found online at:

<http://www.dcf.state.fl.us/programs/childwelfare/stabilization/local.shtml>



The Guardian Law Firm, P.A.

Serving the One

INFORMATION ONLY

PURPOSE:

As part of our vision of equipping you with the tools to be successful in this process and beyond, we have provided these instructions to assist you in preparing your case. The point of these instructions is to help aid you in your preparation for your appearance in court because we know that the family law process can be a stressful process. We hope these instructions brings some clarity and help relieve some of the stress you may be facing.

The Process:

If you choose to represent yourself (*pro se*) in your case, you should be aware that you will be required to follow the same rules that are required in cases filed by persons represented by attorneys. The judge assigned to your case is not necessarily required to grant what you request in a form. If you do not like the outcome of your case, you may not be able to change it. If you have any questions or concerns about your case, you should consult with an attorney.

LEGAL REPRESENTATION NOT ESTABLISHED:

Using these instructions/documents/guides DOES NOT ESTABLISH AN ATTORNEY-CLIENT RELATIONSHIP.

Limited Scope. No attorney-client relationship is intended to be established by the instructions and forms distributed by The Guardian Law Firm, P.A.

Retainer Agreement Required. If you wish to retain us, and if we agree to provide services to you, then we will prepare a Retainer Agreement to be executed by both parties. The Retainer Agreement will set forth the terms and conditions of our representation of you, including our fees and the specific services to be performed by us.

Retaining Our Service. If you wish to obtain legal representation, you may call the Guardian Law Firm, P.A. at (239) 288-7664. If you do not have the money to hire an attorney, The Guardian Law Firm, P.A. may be able to assist you by providing a payment plan or assisting in representing you in a Limited Representation capacity.

Additional Guides. You may also obtain legal information, such as Frequently Ask Questions and other legal guides by visiting The Guardian Law Firm, P.A. website at <https://theguardianlawfirm.com>.

DISCLAIMER:

All instructions and forms distributed by The Guardian Law Firm, P.A. are provided merely as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se (self-represented) litigants with their cases.

The Guardian Law Firm, P.A. does not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form as drafted. Any person using these instructions and/or forms does so at his or her own risk, and The Guardian Law Firm, P.A. shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

In no event will the Florida Supreme Court, The Florida Bar, or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any direct, indirect, or consequential damages from their use.

<u>FORMS CONTAINED IN THIS PACKET</u>	<u>FORM #</u>	<u>WHEN TO USE</u>
General Information for Self-Represented Litigants	Appendix C	For your information only
12 Rules of Courtroom Civility	12 Rules	Required
Nonlawyer Disclosure	12.900(a)	Required if someone who is not a lawyer helps you with the forms
Answer to Petition to Determine Paternity and for Related Relief or	12.983(b) or	Use if you want to file an answer but not a counterpetition
Answer to Petition and Counterpetition to Determine Paternity and for Related Relief	12.983(c)	Use if you want to file a counterpetition which tells the court what you want ordered
Parenting Plan or	12.995 (a) or	Use this form if safety or supervised time-sharing IS NOT a concern
Supervised/Safety-Focused Parenting Plan	12.995 (b)	Use this form if safety or supervised time-sharing IS a concern
Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (UCCJEA)	12.902(d)	Required
Financial Affidavit - Short Form	12.902(b)	Required if your income is less than \$50,000/yr
Financial Affidavit - Long Form	12.902(c)	Required if your income is more than \$50,000/yr
Notice of Social Security Number	12.902(j)	Required
Child Support Guidelines	12.902(e)	Required
Certificate of Compliance with Mandatory Disclosure	12.932	Required unless both parties agree in writing to waive Mandatory Disclosure
Motion to Deviate From Child Support Guidelines	12.943	Use if you want the court to order more or less than the Child Support Guidelines worksheet indicates
Motion for Scientific Paternity Testing	12.983(e)	Use if you want to ask the court to order DNA testing to establish paternity
Fee Schedule for Family Law Cases	Fee	A schedule of fees for Family Law related cases
Notice of Confidential Information Within Court Filing	2.40(d)(2)	Use to notify the clerk of documents containing confidential information



STEP BY STEP INSTRUCTIONS

STEP ONE - Complete the required forms and have them notarized

- 1) **FORMS MUST BE COMPLETED AND SIGNED IN BLACK INK AND MOST MUST BE NOTARIZED.** The clerk's office will notarize documents and charge a fee (see attached schedule). Please bring a valid ID.
- 2) **Names must be written the same way on all documents (no full names on one document and initials on another).**
- 3) **Your CASE NUMBER AND DIVISION must be written on all documents.**
- 4) **Within 20 calendar days from the date of service, complete the following forms and notarize the ones with a notary signature line:**
 - A) 12 Rules of Courtroom Civility - (does not need to be notarized)
 - B) Answer
 - Answer to Petition to Determine Paternity and for Related Relief, Form 12.983(b), if you want to file an answer but not a counterpetition
 - or**
 - Answer to Petition and Counterpetition to Determine Paternity and for Related Relief, Form 12.983(c), if you want to file a counterpetition asking for what you want the court to order
 - C) Parenting Plan
 - Regular form, Form 12.995(a), use this form if safety or supervised time-sharing IS NOT a concern
 - or**
 - Supervised/Safety-Focused Parenting Plan, Form 12.995(b), use this form if safety or supervised time-sharing IS a concern
 - D) Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Form 12.902(d)
 - E) Financial Affidavit
 - Short form, Form 12.902(b), if you make \$50,000/year or less
 - or**
 - Regular form, Form 12.902(c), if you make more than \$50,000/year
 - F) Notice of Social Security Number, Form 12.902(j)
- 5) **Within 45 calendar days from the date of service, complete the following forms and notarize the ones with a notary signature line:**
 - A) Child Support Guidelines Worksheet, Form 12.902(e)
 - B) Certificate of Compliance with Mandatory Disclosure, Form 12.932

STEP TWO – Make copies

After you have completed the forms and have signed and notarized them, make at least 2 complete copies of everything you have signed.

STEP THREE - Filing your forms

Take the *original* set of completed and signed forms to the clerk on the 1st floor of the main courthouse. Make sure the case number is written on all forms.

STEP FOUR – Notifying the other party

Mail or hand-deliver 1 set of copies to the other party at the address on the Summons.



STEP FIVE – Mandatory Disclosure

You have 45 days from the date the other party was served to send the other party all of the financial records required by the Mandatory Disclosure Rule (Florida Family Law Rule of Procedure 12.285). You are required to send copies of these documents to the other party. **You are not required to file them with the clerk.** The documents you are required to give the other party are listed in Form 12.932 - Certificate of Compliance With Mandatory Disclosure.

- 1) Complete and sign the Certificate of Compliance With Mandatory Disclosure, Form 12.932, indicating which documents you are sending to the other party. Also indicate the date you are sending them and how you are delivering them (by mail, fax and mail, or hand-delivery).
- 2) Make 2 copies of the documents you will be sending to the other party and 2 copies of the completed and signed Certificate of Compliance. One copy is for your records.
- 3) Send 1 copy of the documents and 1 copy of the Certificate of Compliance to the other party.
- 4) File the original Certificate of Compliance with the clerk (do not file copies of the documents you are sending to the other party).

STEP SIX – Parenting Class

Both parties must attend a parenting class before your final divorce hearing can be scheduled. For information about approved parenting classes in this circuit, contact and registration information is on page 2 of these instructions. After you have completed the course, write your case number on your certificate of completion and file it with the clerk.

STEP SEVEN – Mediation (if you have filed an answer denying any allegations or filed a counterpetition)

If you filed an answer and dispute any of the allegations in the petition, you and the other party will need to go to mediation to see if the disputed issue(s) can be resolved. Call the Mediation and Diversion office and ask them to schedule a mediation date. If the other party does not contact the mediation department or the issue(s) cannot be resolved in mediation, the final hearing will be set on the judge's contested docket.

STEP EIGHT – Preparing your case / gathering evidence (if you and the other party do not agree and your case is contested)

If you are contesting issues in your case, you will need to be prepared to present evidence to the judge which supports your position(s). Gathering evidence is called "discovery." Discovery is governed by Florida Family Law Rules of Procedure 12.280 – 12.410 and Florida Rules of Civil Procedure 1.280 – 1.410.

Some discovery methods are:

1. Interrogatories – written questions you send to the other party. See Forms 12.930(a), Notice of Service of Standard Family Law Interrogatories, and 12.930(b), Standard Family Law Interrogatories for Original Proceedings, and their instructions.
2. Notice of Production from Non-Party/Subpoena – a request to someone who is not a party in the case (not the other party) to provide copies of documents to you or to produce documents to be copied by you. See Forms 12.931(a), Notice of Production from Non-Party, and 12.931(b), Subpoena for Production of Documents, and their instructions.
3. Depositions – taking someone's testimony (a party or non-party) under oath before a court reporter.
4. Request for Production of Documents and Things – a written request that the other party provide specified documents or things for you to copy or examine. See Florida Rule of Civil Procedure 1.350.

Not all evidence can be considered by the judge. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. The duty of establishing the facts that you want to present to the court, or the burden of proof, is on YOU. You should provide the judge with admissible evidence to support the claims in your petition and your statements in court.

STEP NINE – Scheduling the final hearing

You will be notified by mail when the final hearing is scheduled.

COURT REPORTER?

If you want a court reporter for the hearing, you must arrange for this in advance and you must pay the court reporter's fee. If there is no record of the hearing and the judge rules against you, you may not be able to appeal the decision.

STEP TEN – The final hearing

Normally the final hearing is when the petition will be granted and all issues will be decided.

HOW TO DRESS - Dress appropriately. No shorts, tank tops, or sandals. Do not chew gum.

WHAT TO BRING - All evidence you want the court to consider in deciding your case, if your case is contested

WHAT TO EXPECT

The hearing will take place in a hearing room or a courtroom. You will not be in front of a jury, just the general magistrate or judge. Do not interrupt the magistrate or judge when he or she speaks. When speaking to the magistrate or judge, address him or her as "Your Honor" or "Judge."

Each court has at least one bailiff who is a deputy sheriff and is there to maintain order. When you arrive for your hearing, let the bailiff know that you are present and ready. He or she will announce your case when it is time for your hearing, and will tell you where to sit and where to place your belongings as you enter the hearing room. A bailiff will usually remain inside the room during your hearing. If witnesses are called, the bailiff will step out to bring the witness into the hearing room.

At your hearing, be prepared to discuss any issues covered in the petition (and the counterpetition, if one was filed) and be able to provide proof of any disputed facts by presenting evidence. Evidence is proof presented at a hearing in the form of witnesses (people), exhibits (documents), and objects (things). Not all evidence can be considered by the judge, however. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. Remember, the duty of establishing the facts that you want to present to the court is on YOU. You should provide the judge with admissible evidence to support the claims in your petition and your statements in court. Telling your story may not be enough to win your case.

Once both sides have presented their evidence, the judge will make a decision and sign your judgment. The final judgment will contain all the details of your case and the court's decision. Once the judge signs your judgment/order, a copy will be given or mailed to you. The original order will go to the clerk's office to be recorded in the public records, and filed in your court file. When the judge signs the final judgment, your case will be final.