

Family Law Forms **Package 1(c) Constructive Service**

What this package contains:

- □ Notice of Action for Dissolution of Marriage.
- □ Affidavit of Diligent Search and Inquiry.
- □ Information concerning performing a diligent search and a list of internet resources for conducting that search.

How this package may be used:

If you have searched for your spouse and cannot locate him/her, you can use these forms to have your case posted at the courthouse or published in one of the approved newspapers. *This can be a complicated area of the law, if you have any questions concerning the use of these forms or your legal rights, you are encouraged to seek legal advice from an attorney.*

How this package may NOT be used:

- \Box If you know where your spouse is these forms are not appropriate.
- Because of limitations posed by this type of service, the Court may be limited on the types of orders that can be entered.

Last Update 7-2007

Forms for Use With **Constructive Service - 1(c)**

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Information:

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- Pointers for Service by Publication or Posting in Divorce Action
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- Address and telephone number list

| <u>Form No.</u> | <u>Name of Form</u> |
|-----------------|---|
| FFLF 12.913(a) | Notice of Action for Dissolution of Marriage (Note: If your case is not a divorce, you will need to locate the form appropriate to your case in a law library). |

Constructive Service can be an extremely complicated area of the law.

Please check with the clerk of the court for the list of publications that can carry your advertisement. Your notice must run for 32 days and the publication must provide an affidavit stating that your ad ran in their publication for the appropriate amount of time. If you cannot afford the fees to have your notice published, please check with the clerk of court to see if you qualify to have your notice posted.

FFLF 12.913(b) Affidavit of Diligent Search and Inquiry

FFLF = Florida Supreme Court Approved Family Law Form/Florida Family Law Rules of Procedure Form FFLF-L = Sixth Judicial Circuit Local Form

FAMILY LAW FORMS, COMMENTARY, AND INSTRUCTIONS

GENERAL INFORMATION FOR SELF-REPRESENTED LITIGANTS

You should read this General Information thoroughly before taking any other steps to file your case or represent yourself in court. Most of this information is not repeated in the attached forms. This information should provide you with an overview of the court system, its participants, and its processes. It should be useful whether you want to represent yourself in a pending matter or have a better understanding of the way family court works. This is not intended as a substitute for legal advice from an attorney. Each case has its own particular set of circumstances, and an attorney may advise you of what is best for you in your individual situation.

These instructions are not the only place that you can get information about how a family case works. You may want to look at other books for more help. The Florida Statutes, Florida Family Law Rules of Procedure, Florida Rules of Civil Procedure, and other legal information or books may be found at the public library or in a law library at your county courthouse or a law school in your area. If you are filing a petition for **Name Change** and/or **Adoption**, these instructions may not apply.

If the word(s) is printed in **bold**, this means that the word is being emphasized. Throughout these instructions, you will also find words printed in **bold** and **underlined**. This means that the definitions of these words may be found in the glossary of common family law terms at the end of this general information section.

Commentary

1995 Adoption. To help the many people in family law court cases who do not have attorneys to represent them (pro se litigants), the Florida Supreme Court added these simplified forms and directions to the Florida Family Law Rules of Procedure. The directions refer to the Florida Family Law Rules of Procedure or the Florida Rules of Civil Procedure. Many of the forms were adapted from the forms accompanying the Florida Rules of Civil Procedure. Practitioners should refer to the committee notes for those forms for rule history.

The forms were adopted by the Court pursuant to Family Law Rules of Procedure, 667 So. 2d 202 (Fla. 1995); In re Petition for Approval of Forms Pursuant to Rule 10-1.1(b) of the Rules Regulating the Florida Bar—Stepparent Adoption Forms, 613 So. 2d 900 (Fla. 1992); Rules Regulating the Florida Bar—Approval of Forms, 581 So. 2d 902 (Fla. 1991).

Although the forms are part of these rules, they are not all inclusive and additional forms, as necessary, should be taken from the Florida Rules of Civil Procedure as provided in Florida Family Law Rules of Procedure. Also, the following notice has been included to strongly encourage individuals to seek the advice, when needed, of an attorney who is a member in good standing of the Florida Bar.

1997 Amendment. In 1997, the Florida Family Law Forms were completely revised to simplify and correct the forms. Additionally, the appendices were eliminated, the instructions contained in the appendices were incorporated into the forms, and the introduction following the Notice to Parties was created. Minor changes were also made to the Notice to Parties set forth below.

NOTICE TO PARTIES WHO ARE NOT REPRESENTED BY AN ATTORNEY WHO IS A MEMBER IN GOOD STANDING OF THE FLORIDA BAR

If you have questions or concerns about these forms, instructions, commentary, the use of the forms, or your legal rights, it is strongly recommended that you talk to an attorney. If you do not know an attorney, you should call the lawyer referral service listed in the yellow pages of the telephone book under "Attorney." If you do not have the money to hire an attorney, you should call the legal aid office in your area.

Because the law does change, the forms and information about them may have become outdated. You should be aware that changes may have taken place in the law or court rules that would affect the accuracy of the forms or instructions.

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

FAMILY LAW PROCEDURES

Communication with the court... <u>Ex parte</u> communication is communication with the judge with only one party present. Judges are not allowed to engage in ex parte communication except in very limited circumstances, so, absent specific authorization to the contrary, you should not try to speak with or write to the judge in your case unless the other <u>party</u> is present or has been properly notified. If you have something you need to tell the judge, you must ask for a <u>hearing</u> and give notice to the other party or file a written statement in the court file and send a copy of the written statement to the other party.

Filing a case... A case begins with the filing of a <u>petition</u>. A petition is a written request to the court for some type of legal action. The person who originally asks for legal action is called the <u>petitioner</u> and remains the petitioner throughout the case.

A petition is given to the <u>clerk of the circuit court</u>, whose office is usually located in the county courthouse or a branch of the county courthouse. A case number is assigned and an official court file is opened. Delivering the petition to the clerk's office is called <u>filing</u> a case. A <u>filing fee</u> is usually required.

Once a case has been filed, a copy must be given to (served on) the respondent. The person against whom the original legal action is being requested is called the **respondent**, because he or she is expected to respond to the petition. The respondent remains the respondent throughout the case.

Service... When one party files a <u>petition</u>, <u>motion</u>, or other <u>pleading</u>, the other party must be "served" with a copy of the document. This means that the other party is given proper notice of the pending action(s) and any scheduled hearings. <u>Personal service</u> of the petition and summons on the respondent by a deputy sheriff or private process server is required in all <u>original petitions</u> and <u>supplemental petitions</u>, unless <u>constructive service</u> is permitted by law. Personal service may also be required in other actions by some judges. After initial service of the original or supplemental petition and summons by a deputy sheriff or private process server, service of most motions and other documents or papers filed in the case generally may be made by regular U.S. mail or hand delivery. However, service by <u>certified mail</u> is required at other times so you have proof that the other party actually received the papers. The instructions with each form will advise you of the type of <u>service</u> required for that form. If the other party is represented by an attorney, you should serve the attorney and send a copy to the other party, except for original or supplemental petitions, which must be personally served on the respondent.

Other than the initial original or supplemental petitions, anytime you file additional pleadings or motions in your case, you must provide a copy to the other party and include a <u>certificate of service</u>. Likewise, the other party must provide you with copies of everything that he or she files. Service of additional documents is usually completed by U.S. mail. For more information, see the instructions for Certificate of Service (General), Florida Supreme Court Approved Family Law Form 12.914.

Forms for service of process are included in the Florida Family Law Forms, along with more detailed instructions and information regarding service. The instructions to those forms should be read carefully to ensure that you have the other party properly served. **If proper service is not obtained, the court cannot hear your case.**

Note: If you absolutely do not know where the other party to your case lives or if the other party resides in another state, you may be able to use <u>constructive service</u>. However, if constructive service is used, other than granting a divorce, the court may only grant limited relief. For more information on constructive service, see **Notice of Action for Dissolution of Marriage**, Florida Supreme Court Approved Family Law Form 12.913(a), and **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b). Additionally, if the other party is in the military service of the United States, additional steps for service may be required. See, for example, **Memorandum for Certificate of Military Service**, Florida Supreme Court Approved Family Law Form 12.912(a). In sum, the law regarding constructive service and service on an individual in the military service is very complex and you may wish to consult an attorney regarding these issues.

Default... After being served with a petition or **counterpetition**, the other party has 20 days to file a response. If a response to a petition is not filed, the petitioner may file a **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), with the clerk. This means that you may proceed with your case and set a **final hearing**, and a **judge** will make a decision, even if the other party will not cooperate. For more information, see rule 12.080(c), Florida Family Law Rules of Procedure.

<u>Answer</u> and counterpetition... After being served, the respondent has 20 days to file an answer admitting or denying each of the allegations contained in the petition. In addition to an answer, the respondent may also file a counterpetition. In a counterpetition, the respondent may request the same or some other relief or action not requested by the petitioner. If the respondent files a counterpetition, the petitioner should then file an **Answer to Counterpetition**, Florida Supreme Court Approved Family Law Form 12.903(d), and either admit or deny the allegations in the respondent's counterpetition.

<u>Mandatory disclosure</u>... Rule 12.285, Florida Family Law Rules of Procedure, requires each party in a <u>dissolution of marriage</u> to exchange certain information and documents, and file a Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c). Failure to make this required disclosure within the time required by the Florida Family Law Rules of Procedure may allow the court to dismiss the case or to refuse to consider the pleadings of the party failing to comply. This requirement also must be met in other family law cases, except adoptions, simplified dissolutions of marriage, enforcement proceedings, contempt proceedings, and proceedings for injunctions for domestic or repeat violence. The Certificate of Compliance with Mandatory Disclosure, Florida Family Law Rules of Procedure Form 12.932, lists the documents that must be given to the other party. For more information see rule 12.285, Florida Family Law Rules of Procedure, and the instructions to the Certificate of Compliance with Mandatory Disclosure, Florida Family Law Rules of Procedure With Mandatory Disclosure, Florida Family Law Rules of Procedure Form 12.932, lists the documents that must be given to the other party. For more information see rule 12.285, Florida Family Law Rules of Procedure, and the instructions to the Certificate of Compliance with Mandatory Disclosure, Florida Family Law Rules of Procedure Form 12.932.

Setting a <u>hearing</u> or <u>trial</u>... Generally, the court will have hearings on motions, final hearings on <u>uncontested</u> or <u>default</u> cases, and trials on contested cases. Before setting your case for <u>final hearing</u> or trial, certain requirements such as completing mandatory disclosure and filing certain papers and having them served on the other party must be met. These requirements vary depending on the type of case and the procedures in your particular jurisdiction. For further information, you should refer to the instructions for the type of form you are filing.

Next, you must obtain a hearing or trial date so that the court may consider your request. You should ask the clerk of court, or <u>family law intake staff</u> about the local procedure for setting a hearing or trial, which you should attend. These family law forms contain <u>orders</u> and <u>final judgments</u>, which the judge may use. You should ask the clerk of court or family law intake staff if you need to bring one of these forms with you to the hearing or trial. If so, you should type or print the heading, including the circuit, county, case number, division, and the parties' names, and leave the rest blank for the judge to complete at your hearing or trial.

Below are explanations of symbols or parts of different family law forms...

{specify}, {date}, {name(s)}, {street}, {city}, {state}, {phone} Throughout these forms, you will find hints such as those above. These tell you what to put in the blank(s). $[\checkmark \text{ one only}] [\checkmark \text{ all that apply}]$

These show how many choices you should check. Sometimes you may check only one, while other times you may check several choices. () This also shows an area where you must make a choice. Check the () in front of the choice that applies to you or your case.

| IN THE CIRCUIT COURT OF THE | (1) | JUDICIAL CIRCUIT, |
|-----------------------------|-----|-------------------|
| IN AND FOR | (2) | COUNTY, FLORIDA |
| | | Case No.:(3) |
| | | Division:(4) |
| (5), | | |
| Petitioner. | | |

and

(6)

Respondent.

Line 1 The clerk of court can tell you the number of your judicial circuit. Type or print it here.

- Line 2 Type or print your county name on line (2).
- Line 3 If you are filing an initial petition or pleading, the Clerk of the Court will assign a case number after the case is filed. You should type or print this case number on all papers you file in this case.
- Line 4 The clerk of the court can tell you the name of the division in which your case is being filed, and you should type or print it here. Divisions vary from court to court. For example, your case may be filed in the civil division, the family division, or the juvenile division.
- Line 5 Type or print the legal name of the person who originally filed the case on line 5. This person is the petitioner because he/she is the one who filed the original petition.
- Line 6 Type or print the other party's legal name on line 6. The other party is the respondent because he/she is responding to the petition.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____(1)____

| (2) |
|-------------------------|
| Signature of Petitioner |
| Printed Name:(3) |
| Address:(4) |
| City, State, Zip:(5) |
| Telephone Number:(6) |
| Fax Number:(7) |

Some forms require that your signature be witnessed. You must sign the form in the presence of a **<u>notary</u> <u>public</u>** or deputy clerk (employee of the clerk of the court's office). When signing the form, you must have a valid photo identification unless the notary knows you personally. You should completely fill in all lines (1 3–7) except 2 with the requested information, if applicable. Line 2, the signature line, must be signed in the presence of the <u>notary public</u> or <u>deputy clerk</u>.

| STATE OF FLORIDA COUNTY OF | _ |
|--|--|
| Sworn to or affirmed and signed before me on _ | by |
| | NOTARY PUBLIC or DEPUTY CLERK |
| | [Print, type, or stamp commissioned name of notary or clerk.] |
| Personally known Produced identification Type of identification produced | |
| DO NOT SIGN OR FILL IN THIS PART C | DF ANY FORM . This section of the form is to be completed |

by the notary public who is witnessing your signature.

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [≠ fill in all blanks] I, {full legal name and trade name of nonlawver} (1) .

General Information for Self-Represented Litigants (7/05)

| a nonlawyer, located at {street} | | (2), | {city}_ | _(3) | |
|--|-----|-------------|---------|------|---|
| { <i>state</i> }, { <i>phone</i> } | (5) | , helped {n | name} | (6) | , |
| who is the petitioner, fill out this form. | | | | | |

This section should be completed by anyone who helps you fill out these forms but is **not** an attorney who is a member in good standing of The Florida Bar, which means that he or she is not licensed to practice law in Florida.

| Line 1 | The <u>nonlawyer</u> who helps you should type or print his or her name on line 1. |
|-----------|---|
| Lines 2–5 | The nonlawyer's address and telephone number should be typed or printed on lines 2–5. |
| Line 6 | Your name should be typed or printed on line 6. |

In addition, a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900 (a), should be completed if a nonlawyer assists you. The disclosure is available as a family law form and should be completed before the nonlawyer helps you. This is to be sure that you understand the role and limitations of a nonlawyer. You and the nonlawyer should keep a copy of this disclosure for your records.

FAMILY LAW GLOSSARY OF COMMON TERMS AND DEFINITIONS

Note: The following definitions are intended to be helpful, BUT they are not intended to constitute legal advice or address every possible meaning of the term(s) contained in this glossary.

Affidavit - a written statement in which the facts stated are sworn or affirmed to be true.

Answer - written response by a respondent that states whether he or she admits (agrees with) or denies (disagrees with) the allegations in the petition. Any allegations not specifically denied are considered to be admitted.

Appeal - asking a district court of appeal to review the decision in your case. There are strict procedural and time requirements for filing an appeal.

Asset - everything owned by you or your spouse, including property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, or retirement plans. An asset may be marital or nonmarital, but that distinction is for the court to determine if you and your spouse do not agree.

Attorney - a person with special education and training in the field of law who is a member in good standing of The Florida Bar and licensed to practice law in Florida. An attorney is the only person who is allowed to give you legal advice. An attorney may file your case and represent you in court, or just advise you of your rights before you file your own case. In addition to advising you of your rights, an attorney may tell you what to expect and help prepare you for court. In family law matters, you are not entitled to a court-appointed lawyer, like a public defender in a criminal case. However, legal assistance is often available for those who are unable to hire a private attorney. You may consult the yellow pages of the telephone directory for a listing of legal aid or lawyer referral services in your area, or ask your local clerk of court or family law intake staff what services are available in your area. You may also obtain information from the Florida Supreme Court's Internet site located at http://www.flcourts.org/courts/supct.

Bond - money paid to the clerk of court by one party in a case, to be held and paid to an enjoined party in the event that the first party causes loss or damage of property as a result of wrongfully enjoining the other party.

Central Governmental Depository - the office of the clerk of court that is responsible for collecting and disbursing court-ordered alimony and child support payments. The depository also keeps payment records and files judgments if support is not paid.

Certificate of Service - a document that must be filed whenever a form you are using does not contain a statement for you to fill in showing to whom you are sending copies of the form. Florida Supreme Court Approved Family Law Form 12.914 is the certificate of service form and contains additional instructions.

General Information for Self-Represented Litigants (7/05)

Certified Copy - a copy of an order or final judgment, certified by the clerk of the circuit court to be an authentic copy.

Certified Mail - mail which requires the receiving party to sign as proof that they received it.

Child Support - money paid from one parent to the other for the benefit of their dependent or minor child(ren).

Clerk of the Circuit Court - elected official in whose office papers are filed, a case number is assigned, and case files are maintained. The clerk's office usually is located in the county courthouse.

Constructive Service - notification of the other party by newspaper publication or posting of notice at designated places when the other party cannot be located for personal service. You may also be able to use constructive service when the other party lives in another state. Constructive service is also called "service by publication." However, when constructive service is used, the relief the Court may grant is limited. For more information on service, see the instructions for Florida Family Law Rules of Procedure Forms 12.910(a) and 12.913(b) and Florida Supreme Court Approved Family Law Form 12.913(a).

Contested Issues - any or all issues upon which the parties are unable to agree and which must be resolved by the judge at a hearing or trial.

Contingent Asset - an asset that you **may** receive or get later, such as income, tax refund, accrued vacation or sick leave, a bonus, or an inheritance.

Contingent Liability - a liability that you **may** owe later, such as payments for lawsuits, unpaid taxes, or debts that you have agreed or guaranteed to pay if someone else does not.

Counterpetition - a written request to the court for legal action, which is filed by a respondent after being served with a petition.

Default - a failure of a party to respond to the pleading of another party. This failure to respond may allow the court to decide the case without input from the party who did not appear or respond.

Delinquent - late.

Dependent Child(ren) - child(ren) who depend on their parent(s) for support either because they are under the age of 18, they have a mental or physical disability that prevents them from supporting themselves, or they are in high school while between the ages of 18 and 19 and are performing in good faith with reasonable expectation of graduation before the age of 19.

Deputy Clerk - an employee of the office of the clerk of court, which is usually located in the county courthouse or a branch of the county courthouse.

Dissolution of Marriage - divorce; a court action to end a marriage.

Enjoined - prohibited by the court from doing a specific act.

Ex Parte - communication with the judge by only one party. In order for a judge to speak with either party, the other party must have been properly notified and have an opportunity to be heard. If you have something you wish to tell the judge, you should ask for a hearing or file information in the clerk of court's office, with certification that a copy was sent to the other party.

Family Law Intake Staff - a court's employee(s) who is (are) available to assist you in filing a family law case. Family law intake staff are not attorneys and cannot give legal advice. They may only assist you with filling out the form(s). Your local clerk's office can tell you if your county has such assistance available.

Filing – delivering a petition, response, motion, or other pleading in a court case to the clerk of court's office.

Filing Fee - an amount of money, set by law, that the petitioner must pay when filing a case. If you cannot afford to pay the fee, you must file an **Application for Determination of Civil Indigent Status**, to ask the clerk to file your case without payment of the fee. This form can be obtained from the clerk's office.

Final Hearing - trial in your case.

Financial Affidavit - a sworn statement that contains information regarding your income, expenses, assets, and liabilities.

Final Judgment - a written document signed by a judge and recorded in the clerk of the circuit court's office that contains the judge's decision in your case.

Guardian ad Litem - a neutral person who may be appointed by the court to evaluate or investigate your child's situation, and file a report with the court about what is in the best interests of your child(ren). Guardians do not "work for" either party. The guardian may interview the parties, visit their homes, visit the child(ren)'s school(s) and speak with teachers, or use other resources to make their recommendation.

Hearing - a legal proceeding before a judge or designated officer (general magistrate or hearing officer) on a motion.

Judge - an elected official who is responsible for deciding matters on which you and the other parties in your case are unable to agree. A judge is a neutral person who is responsible for ensuring that your case is resolved in a manner which is fair, equitable, and legal. A judge is prohibited by law from giving you or the other party any legal advice, recommendations, or other assistance, and may not talk to either party unless both parties are present, represented, or at a properly scheduled hearing.

Judicial Assistant - the judge's personal staff assistant.

Liabilities - everything owed by you or your spouse, including mortgages, credit cards, or car loans. A liability may be marital or nonmarital, but that distinction is for the court to determine if you and your spouse do not agree.

Lump Sum Alimony - money ordered to be paid by one spouse to another in a limited number of payments, often a single payment.

Mandatory Disclosure - items that must be disclosed by both parties except those exempted from disclosure by Florida Family Law Rule 12.285.

Marital Asset - generally, anything that you and/or your spouse acquired or received (by gift or purchase) during the marriage. For example, something you owned before your marriage **may** be nonmarital. An asset may only be determined to be marital by agreement of the parties or determination of the judge.

Marital Liability - generally, any debt that you and/or your spouse incurred during the marriage. A debt may only be determined to be nonmarital by agreement of the parties or determination of the judge.

Mediator - a person who is trained and certified to assist parties in reaching an agreement before going to court. Mediators do not take either party's side and are not allowed to give legal advice. They are only responsible for helping the parties reach an agreement and putting that agreement into writing. In some areas, mediation of certain family law cases may be required before going to court.

Modification - a change made by the court in an order or final judgment.

Motion - a request made to the court, other than a petition.

No Contact - a court order directing a party not speak to, call, send mail to, visit, or go near his or her spouse, ex-spouse, child(ren), or other family member.

Nonlawyer - a person who is not a member in good standing of The Florida Bar.

Nonmarital Asset - generally, anything owned separately by you or your spouse. An asset may only be determined to be nonmarital by either agreement of the parties or determination of the judge.

Nonmarital Liability - generally, any debt that you or your spouse incurred before your marriage or since your separation. A debt may only be determined to be nonmarital by either agreement of the parties or determination of the judge.

Nonparty - a person who is not the petitioner or respondent in a court case.

Notary Public - a person authorized to witness signatures on court related forms.

Obligee - a person to whom money, such as child support or alimony, is owed.

Obligor - a person who is ordered by the court to pay money, such as child support or alimony.

Order - a written decision signed by a judge and filed in the clerk of the circuit court's office, that contains the judge's decision on part of your case, usually on a motion.

Original Petition - see Petition.

Parenting Course - a class that teaches parents how to help their child(ren) cope with divorce and other family issues.

Party - a person involved in a court case, either as a petitioner or respondent.

Paternity Action - A lawsuit used to determine whether a designated individual is the father of a specific child or children.

Payor - an employer or other person who provides income to an obligor.

Permanent Alimony - spousal support ordered to be paid at a specified, periodic rate until modified by a court order, the death of either party, or the remarriage of the Obligee, whichever occurs first.

Personal Service - when a summons and a copy of a petition (or other pleading) that has been filed with the court are delivered by a deputy sheriff or private process server to the other party. Personal service is required for all petitions and supplemental petitions.

Petition - a written request to the court for legal action, which begins a court case.

Petitioner - the person who files a petition that begins a court case.

Pleading - a formal written statement of exactly what a party wants the court to do in a lawsuit or court action.

Primary Residence - the home in which the child(ren) spends most of his/her (their) time.

Pro Se Litigant - a person who appears in court without the assistance of a lawyer.

Pro Se Coordinator - see Family Law Intake Staff.

General Information for Self-Represented Litigants (7/05)

Reasonable Visitation - visitation between the nonresidential parent and child(ren) that provides frequent and unhampered contact with the child(ren). Such visitation is designed to encourage a close and continuing relationship with due regard for educational commitments of child(ren), any health or social factors of the child(ren), business and personal commitments of both parents, and home arrangements of both parents.

Rehabilitative Alimony - spousal support ordered to be paid for a limited period of time to allow one of the parties an opportunity to complete a plan of education or training, according to a rehabilitative plan accepted by the court, so that he or she may better support himself or herself.

Respondent - the person who is served with a petition requesting some legal action against him or her.

Rotating Custody - physical custody of child(ren) after divorce, which is alternated between the mother and father at specified periods of time, as determined by the court. Rotating custody allows each parent equal time with the child(ren).

Scientific Paternity Testing - a medical test to determine who is the father of a child.

Secondary Residential Responsibility (Visitation) - the time that the parent with whom the child(ren) does (do) not have primary residence spends with the child(ren).

Service - the delivery of legal documents to a party. This must be accomplished as directed by Florida Family Law Rules 12.070 and 12.080.

Shared Parental Responsibility - an arrangement under which both parents have full parental rights and responsibilities for their child(ren), and the parents make major decisions affecting the welfare of the child(ren) jointly. Shared Parental Responsibility is presumptive in Florida.

Sole Parental Responsibility - a parenting arrangement under which the responsibility for the minor child(ren) is given to one parent by the court, with or without rights of visitation to the other parent.

Specified Visitation - a parenting arrangement under which a specific schedule is established for the visitation and exchange of the child(ren).

Spouse - a husband or wife.

Supervised Visitation - a parenting arrangement under which visitation between a parent and his or her child(ren) is supervised by either a friend, family member, or a supervised visitation center.

Supplemental Petition - a petition that may be filed by either party after the judge has made a decision in a case and a final judgment or order has been entered. For example, a supplemental petition may be used to request that the court modify the previously entered final judgment or order.

Trial - the final hearing in a contested case.

Uncontested - any and all issues on which the parties are able to agree and which are part of a marital settlement agreement.

Administrative Office of the Courts The Sixth Judicial Circuit of Florida (727)582-7200

How can I keep my address confidential in a court case if I am in fear of domestic violence?

Question: I am in fear of domestic violence from my spouse or another party in my court case. What do I have to do if I want to keep my address confidential?

Answer: In a domestic or repeat violence injunction case, the clerk of court has procedures in place to keep your address confidential. If a party in the injunction case properly files their pleadings at the domestic violence desk, the clerk will send you the copies of their pleadings so that you are properly notified of the filing and the hearing.

In most types of proceedings, the confidential address procedure through the clerk is not available because parties are required to copy other parties with pleadings filed in the case. In addition to sending copies of all pleadings, the moving party must prepare a notice of hearing and send it to all parties in the case.

If you do not want the other party(s) to have your home address you can consider the following:

- 1. Obtain a post office box. The post office cannot reveal the true address of a post office box owner, who is a private person and not a business, without a court order.
- 2. Ask your employer if you may use your work address to receive mail on your court case and as your service address for personal service.
- 3. If you are a victim of domestic violence or the guardian of an adult, minor child or impaired person who is a victim of domestic violence, you may inquire about the Address Confidentiality Program (ACP) with the Florida Attorney General's Office. You will be interviewed for acceptance into the program. Please call the Florida Attorney General at 1-800-226-6667 (local # 850-414-3300, TDD/TTY users may use the Florida Relay service at 1-800-955-8771) for information on setting up the interview.

How the program works: If you are accepted into the ACP program you will be given a substitute address to use for your mailing and legal process service address. The Attorney General will be the only one who has your real address. All first class mail sent, or legal process served, to the substitute ACP address will be forwarded to you by the Attorney General's Office. Your acceptance into the program is for a set period of time, is revocable, and must be renewed upon expiration. If you are accepted into the ACP program you will be given an identification card. It is your responsibility to determine who will get your actual address and who will get your ACP address. Government agencies are required to accept your ACP address but if you have previously given your <u>actual address</u>, they may not have to replace it with your substitute address.

The courts may order you to reveal your true address during a court case. Be aware that many government agencies share information and if you have given your true address to one, it may be shared with other agencies. Federal agencies and private businesses are not required to accept your ACP address but many will do so. Certain agencies, such as law enforcement, have the right to access your true address for certain reasons. A false or incorrect application under this program constitutes a second degree misdemeanor.

| Administrative Office of the Courts | Φ | The Sixth Judicial Circuit of Florida Φ 727-582-7200 |
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| Company Name | Web Address | Fee? | Description | Contact info |
|---|---|---|--|---|
| AMA Physician Search | http://www.ama- assn.org/aps/amahg.htm | Free | Licensing records for doctors in many states. By name or specialty. | N/A |
| AnyWho | http://www.anywho.com/ | Free | Offers name search and reverse lookup (by phone number) also does search for personal web pages, etc. | N/A |
| Background Check Gateway | http://www.backgroundcheckgate way.com/directories.html | Fee based services & free stuff | Large variety of links to useful information including state bankruptcy courts, Birth/Death Records, Embassies, lots here. | Phone: 202-408-7025 |
| Beatriceonline | http://www.beatriceonline.com/di rectories_resources.htm | Various | Lots of different resources here, many foreign directories. | N/A |
| Bigfoot | http://www.bigfoot.com/ | Free | White pages search and more. | N/A |
| Canada 411 (Lycos) | http://canada411.sympatico.ca/ | Free | ENGLISH/FRENCH LANGUAGE telephone directory for Canada. | N/A |
| Computrace | http://www.amerifind.com/ | varies, \$15.00 & up. | Search by social security number, date of birth, old address or name, adoptions, others. | E-Mail: Computrace45@Amerifi nd.com |
| Flips Vital Record Resources | http://www.flips-search- resources.com/vital.html | ? | Links to public records several online, other searches. UK & Canada Searches. | |
| United States Department of Defense Defense LINK | http://www.defenselink.mil/faq/pi s/PC04MLTR.html | Free to family. Small fee for others. | This site lists addresses for locating individuals on ACTIVE DUTY in any of the United States Armed Services. | N/A |
| Find a Friend | http://www.findafriend.com/ | \$20.00 - \$50.00 | Many different searches including Social Security, last known address, birthday, driver's license and death records, possible neighbors by last address, etc. Report is e-mailed to you. | Find A Friend, 312 Vandalia Street, Elgin, IL 60123 <u>info@findafriend.com</u> For questions, phone calls are taken 8:30 - 5:00 Central Standard Time. Phone: 1-847- 741-5755 |
| Florida Department of Corrections | http://www.dc.state.fl.us/ActiveIn mates/search.asp | Free | Locate prisoners in the Florida prison system, also gives a wealth of other information. | N/A |

| Freeality | http://www.freeality.com/ | Various | Search engines and people finders, including CELL PHONE # search that can return the current billing address of the owner. | webmaster@freality.com |
|--|---|--|--|----------------------------------|
| Google | http://directory.google.com/Top/S ociety/People/Missing_People/ | Links to Free & fee based searches | Variety of links to missing person/person locator resources. | N/A |
| Handilinks.com | http://www.infospace.com/_1_26 3GT1304MN3BGLinfo.handi/ ussearch/framed.htm | Various/ some free | Collection of links to public record searches, etc. | N/A |
| InfoSpace-The Ultimate Directory | http://www.infospace.com/ | Free | Telephone white/yellow page search and reverse search with phone number. International Directories. | N/A |
| Info USA.com | http://www.infousa.com/homesite /index.html | Free | United States white/yellow pages search. | N/A |
| Intelius Intelifinder | http://find.intelius.com/?refer=27 &adword=public+records | Varies, 24 hr. pass available | Public records source. Criminal records, property search, marriage records, death records for US | Customer Service 425-454-6200 |
| Internet @address.finder | http://www.iaf.net/ | Free | Multi-lingual white pages search. | N/A |
| KISW Online | http://www.kisw.com/reference/d irectories.html | Free | This site has links to telephone directories for many foreign countries. White pages, yellow pages, business directories, etc. | N/A |
| KnowX.com The Ultimate People Finder | http://www.knowx.com/free/dead beat.htm | Varies | A variety of searches are available. | N/A |
| Lycos People Find | http://www.whowhere.lycos.com/ Phone | Free/fee based | Directories for locating people by name, e-mail, etc. Also public records searches. | N/A |
| Miscellaneous Investigative Resources | http://www.birthfamily.com/inves tigate.htm | Various | Page of numerous links to private investigators and telephone, e-mail searches, investigative info, etc. | N/A |
| Nedsite the Ultimate People Finder Website | http://www.nedsite.nl/search/peo ple.htm | Free/ some may be fee based. | International email and telephone directories. Death/ cemetery records. Schools and reunions. Lots here. | N/A |

| People Finder | http://www.people-finder.com/ | under \$40.00 | Public record searches by name, social security number, etc. | E-mail: customerservice@p eople-finder.com |
|--|--|---|---|--|
| PeopleSpot.com | http://www.peoplespot.com/ | Free? | White/Yellow pages searches, reverse directories. Links to professional associations. Much info here. | N/A |
| Proteus Yellow & White Pages Searches | http://rtiess.tripod.com/proteus/ye llowpages.htm | Free | Yellow & White pages searches. Lists other popular directories. | N/A |
| Primus (Canada) | http://affiliate.yellow.ca/af/apl.f? p_p=3&p_lang=0 | Free | Search Canadian white pages. | N/A |
| Search Systems | http://www.searchsystems.net/ | Fee based, some free | Links to public records by county, state | N/A |
| SearchBug.com | http://www.searchbug.com/peopl efinder/ | Free w/links to fee based services. | Several different types of free searches available and also links to businesses that charge a fee for searches. Search links for STATE and FEDERAL jail inmate populations. | N/A |
| SearchShark.com | http://www.search-shark.com/ | Free & fee based | Info on finding people, directories of courthouses and state resources for different types of information. | N/A |
| Seeker | http://www.the-seeker.com/ | Free | Large collection of different search resources. Also a public bulletin board. | N/A (multilingual) |
| Spies Online | http://www.spiesonline.net/decea sed.shtml | Free? | Several databases for searching for information on deceased persons. Also person search resources. | N/A |
| SSDI: Social Security Death Index Search | http://www.ancestry.com/search/r ectype/vital/ssdi/main.htm | Free | This is a basic search of the SSDI. This database only contains the names of people that the Social Security Administration paid benefits on after death. | N/A |
| SuperPages.com | http://www.bigyellow.com/ | Free | White/Yellow pages search | N/A |
| Switchboard Banyan Systems, Inc. | http://www.switchboard.com/ | Free | Search US telephone listings nationwide by name. Also search US telephone Yellow page listings by business name. | N/A |

Internet Resources for Conducting Diligent Search in Constructive Service Cases – last updated 10-2003 <u>Please Note: The resources on this list are provided for your use in attempting to locate a party to your court case. The Sixth Judicial</u> <u>Circuit cannot recommend or endorse a specific service for your use.</u>

| Administrative Office of the Courts | φ | The Sixth Judicial Circuit of Florida Φ 727-582-7200 |
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| Teldir.com | http://www.infobel.com/teldir/def ault.asp | Free | List of international telephone directories on the internet | N/A |
|--|---|----------------------------------|---|--|
| Uslocator.com | http://www.uslocator.com/ | Fee based \$19.99 up | Many types of searches. | N/A |
| Vetfriends.com | http://www.vetfriends.com/affilia tes.html | Free? | Resources for locating veterans of the armed services. | N/A |
| World E-mail Directory | http://www.worldemail.com/ | Free | Search by partial name or partial e-mail address. Also links to other search engines. | N/A |
| WhoWhere? | http://www.whowhere.lycos.com/ | Free | Search for US telephone listings by person's name, international directories also. | N/A |
| Write a Prisoner.com | http://writeaprisoner.com/prisone r-inmate-locator.htm | Free? | Listing of all states that provide a search engine to locate prisoners jailed in that state. Also addresses to federal prisons and other info. | WriteAPrisoner.com P.O. Box 10 Edgewater, FL 32132 USA Fax: 386-427-7407 e-mail us at: <u>General-</u> <u>Information@write</u> <u>aprisoner.com</u> |
| Yahoo: People Search | http://www.yahoo.com/search/pe ople | Free | White pages search, email search. | N/A |
| Yellow Pages Superhighway | http://www.bestyellow.com/ | Free (fee based available) | Yellow pages search and people searches USA & Canada. | N/A |
| | Oth | er useful inf | 0 | |
| EmbassyWeb | http://www.embpage.org/ | N/A | Embassy locator, links to embassy web pages all over the world. <u>Multilingual.</u> | N/A |
| Embassies in Washington D.C. | http://www.embassy.org/embassi es/eep-1100.html | N/A | List of embassies in Washington D.C. with links to their web pages. | N/A |
| U.S. Department of Justice, Federal Bureau of Prisons, National Institute of Corrections | http://www.bop.gov/facilnot.html | N/A | Lists of Federal prisons with addresses and phone numbers. Information on how to locate an inmate in the Federal prison system. | N/A |
| Federal Bureau of Prisons | http://www.bop.gov/ | N/A | Inmate locator. | N/A |

Administrative Office of the Courts The Sixth Judicial Circuit of Florida (727)582-7200

POINTERS FOR SERVICE BY PUBLICATION OR POSTING IN DIVORCE ACTIONS

CAUTION: The process of service by publication or posting is complicated and is best handled by a lawyer. These printed suggestions are not intended as complete instructions nor are they intended to substitute for legal advice. They have been prepared only to help avoid some common problems that prevent the Final Hearing from taking place when the Petitioner has failed to take some action required by law. It is important that you realize that these pointers will not tell you everything that you must do to ensure your divorce will be granted. **THESE POINTERS ONLY HELP PREVENT A FEW COMMON PROBLEMS.**

I. The most common problem occurs when the Petitioner no longer knows where the Respondent is living, and the Petitioner files a sworn statement that he or she has made a diligent search and inquiry to discover the Respondent's address. Many Petitioners do not know that a "diligent search and inquiry" means that they must really search very thoroughly for the Respondent and follow all the leads that they discover in their search. The following is a list of actions the Court may find are reasonable for the Petitioner to take before filing a sworn statement that a "diligent search and inquiry" has been made.

- A. Ask the U.S. Postmaster in cities of Respondent's previously known residences for forwarding addresses under the Freedom of Information Act.
- B. Search phone directories of the cities and towns of Respondent's possible residence.
- C. Search public records of the tax collector and assessor.
- D. Search records of the Department of Highway Safety and Motor Vehicles.
- E. Inquire of persons in the neighborhoods where the Respondent formerly lived.
- F. Ask at utility companies, including water, sewer, cable, TV, and electric, in areas of likely residence.
- G. Contact the last known employer of Respondent. Ask about any addresses to which W-2 forms were mailed. If there is a pension or profit sharing plan, ask to what address any pension is to be mailed.
- H. Inquire of unions from which Respondent may have worked or which may govern his particular trade or craft.
- I. Inquire of regulatory agencies, including licensing agencies.
- J. Gather names and addresses of Respondent's relatives and contacts with those relatives and ask them all for any information that may lead to finding the Respondent. Petitioner should follow up any leads given, including searching for the Respondent in towns or cities to which he is known to have moved. Relatives include, but are not limited to, parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, greatgrandparents, former inlaws, stepparents, and stepchildren.

- K. Inquire as to whether or not the Respondent may have passed away and, if so, the date and location.
- L. Inquire of law enforcement agencies at the last known residential area of Respondent, including Highway Patrol, State police, Department of Corrections.
- M. Inquire at hospitals in the last area in which the Respondent was known to live.
- N. Use services of private investigation agencies or similar "skip tracing" services.
- O. Search the Internet using such sites as www.database america.com/ and www.kisw.com/reference/directories.html and www.lycos.com/peoplefind/ and www.switchboard.com/. If you do not have access to the Internet, or are unfamiliar with its use, go to the public library and ask the librarian to help you.
- P. Write letters to the Armed Forces of the U.S. asking whether or not they have any information as to the Respondent. (This is also probably a prerequisite to any valid nonmilitary affidavit in cases where the Respondent is of age to serve and his whereabouts are unknown.)
- Q. Because of due process concerns, if the Respondent has never lived in Florida, the Court may require publication in the town of the Respondent's last known address, in addition to the required Florida publication.

This list is not necessarily complete, because the circumstances of each case may suggest that other actions are also reasonably necessary. The Petitioner should follow through on all leads that he or she discovers in making the search and should list in the affidavit all actions taken to try to locate the Respondent.

II. If, during your search for the Respondent, you locate the Respondent's address, you should have the Respondent served by personal service as provided for in Chapter 48 of the Florida Statutes. It will then be unnecessary to file the Affidavit of Diligent Search and Inquiry.

III. There are issues associated with divorce, such as alimony, child support, and distribution of real and personal property, which the Court might not be able to include in the Order it enters if you have served the Respondent by publication or posting. Legal advice is especially important if there is marital property or property of the Respondent in the State of Florida.

THESE SUGGESTIONS ARE NOT INTENDED TO SUBSTITUTE FOR LEGAL ADVICE. IF YOU HAVE QUESTIONS ABOUT THE LAW AND SEEK LEGAL ADVICE, YOU MUST CONSULT A LAWYER.

Administrative Office of the Courts Φ The Sixth Judicial Circuit of Florida Φ 727-582-7200 South Pinellas County(St. Petersburg)

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| Courts Information and F | Address Family law procedural assistance | Telephone Number(s) or other information | |
|---|--|--|--|
| Resource Center & | Family law procedural assistance | | |
| 100000000000000000000000000000000000000 | | 727-582-7200 (walk-in assistance is not available) | |
| Lawyer Referral Service | & information on approved forms. | Office hours 8 a.m .to Noon, 1 p.m. to 5 p.m. Monday - Friday. | |
| | | 727-821-5450 (30 min. consultation with a lawyer for a small fee) | |
| | Bay Area Legal Services-West | Bay Area Legal Services-West: 727-490-4040 | |
| | 2600-9 th Street North, Ste. 401 | Gulfcoast Legal Services: 727-821-0726 | |
| | St. Petersburg, FL 33704 | Community Law Program: 727-582-7402 | |
| | 545-1 st Avenue North | Clerk of Court: 727-582-7771 | |
| S | St. Petersburg, FL 33701 | Child Support Automated Information Line: 727-464-4845 | |
| | Court ordered civil mediation and | Mediation/Arbitration: 727-464-4943, Family Mediation: 727-464-4947 | |
| Resolution Programs and | urbitration services. | | |
| | North Pinellas (| County(Clearwater) | |
| Clearwater Courthouse 3 | 315 Court Street | Clerk of Court: 727-464-3267 | |
| C | Clearwater, FL 33756 | Child Support Automated Information Line: 727-464-4845 | |
| | | Clearwater Courthouse Legal Assistance Program: 727-464-3267 | |
| Courts Information and F | Family law procedural assistance | 727-582-7200 (walk-in assistance is not available) | |
| Resource Center & | & information on approved forms. | Office hours 8 a.m. to Noon, 1 p.m. to 5 p.m. Monday - Friday. | |
| Lawyer Referral Service | | 727-461-4880 (30 minute consultation for a small fee) | |
| | Gulfcoast Legal Services | 727-443-0657 | |
| Clearwater 3 | 314 S. Missouri Avenue, #109 | | |
| | Clearwater, FL 33756 | | |
| I monus county miormation | B15 Court Street Clearwater, FL 33756 | 727-464-3000 | |
| | Court ordered mediation and | Mediation/Arbitration: 727-464-4943, Family Mediation: 727-464-4947 | |
| | urbitration services. | field and in the field and in the terminal strength and terminal | |
| Resolution Programs | | ort Richey & Dade City) | |
| Clerk of Court-Civil 7. | 7530 Little Road | 727-847-8176 | |
| | New Port Richey, FL 34654 | 727-847-2411 | |
| (| 38053 Live Oak Avenue | 352-521-4517 | |
| | Dade City, FL 33523-3805 | 552-521-4517 | |
| (| Bay Area Legal Services | New Port Richey: 727-847-5494 | |
| | Offices in New Port Richey and | Dade City: 352-567-9044 | |
| | Dade City | Dude City: 552 567 9644 | |
| | 38053 Live Oak Avenue | 352-521-4274 | |
| Information D | Dade City, FL 33523-3805 | | |
| | | ellaneous | |
| Florida Dept. of Revenue M | Many offices statewide | Child Support Enforcement: 800-622-5437 | |
| 211 Ir | nformation and referral for a | Dial 211 (24 hours per day, 7 days per week) | |
| | variety of state, local and private | Multilingual Internet page: <u>http://www.211tampabay.com</u> | |
| | ervices in the areas of health care, | | |
| | osychological services, domestic | | |
| | violence, support groups, tutoring und more. | | |
| | Florida Supreme Court http://ww | w floourts org | |
| | Pinellas County Clerk of Court <u>http://clerk.co.pinellas.fl.us/</u> Sixth Judicial Circuit Court <u>http://www.jud6.org</u> , Sixth Judicial Circuit Family Division | | |
| | | | |
| | | | |
| | | /AboutTheCircuit/AOC/Courtprograms/familyLaw/familylaw.htm | |
| | SDU | For income deducted support payments | |
| Р | P.O. Box 8500 | 1-877-769-0251 Toll free (you will need your case number and | |
| T | Fallahassee, FL 32314-8500 | social security number) | |

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.913(a), NOTICE OF ACTION FOR DISSOLUTION OF MARRIAGE

When should this form be used?

This form may be used to obtain <u>constructive service</u> (also called service by publication) in a <u>dissolution</u> <u>of marriage</u> case if you do not know where your <u>spouse</u> lives or if your spouse lives outside Florida and you are unable to obtain <u>personal service</u>. However, if you use constructive service, the court may grant only limited relief because its jurisdiction is limited. For example, the court can grant your divorce but cannot decide issues of <u>child support</u>, spousal support (<u>alimony</u>), or division of property or debts. This is a complicated area of the law and you may wish to consult an attorney before using constructive service.

You should complete this form by typing or printing the appropriate information in black ink. You should insert your spouse's name and last known address and then <u>file</u> this form with the <u>clerk of the</u> <u>circuit court</u> in the county where your petition for dissolution of marriage was filed. You must also complete and file an **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b). You should keep a copy for your records.

After the **Affidavit of Diligent Search and Inquiry**, Florida Family Law Rules of Procedure Form 12.913(b), is filed, the clerk will sign this form. The form must then be given to a qualified local newspaper to be published for four consecutive weeks. When in doubt, ask the clerk which newspapers in your area are "qualified." The newspaper will charge you for this service. If you cannot afford to pay the cost of publication of this notice in a qualified newspaper, you may ask the clerk to post the notice at a place designated for such postings. You will need to file an **Application for Determination of Civil Indigent Status**, which you can obtain from the clerk. If the clerk determines that you cannot afford these costs, the clerk will post the notice of action. In Dade, Broward, and Duval counties, you may ask the clerk to publish your notice without charge.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms. For further information, see rule 12.070, Florida Family Law Rules of Procedure, and rule 1.070, Florida Rules of Civil Procedure.

Special notes...

If the other party fails to respond to your **<u>petition</u>** within the time limit stated in the notice of action that is published or posted, you are entitled to request a <u>default</u>. (See **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), and **Default**, Florida Supreme Court Approved Family Law Form 12.922(b).)

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900 (a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE ______ JUDICIAL CIRCUIT, IN AND FOR ______ COUNTY, FLORIDA

Case No.: Division:

Petitioner

and

Respondent.

NOTICE OF ACTION FOR DISSOLUTION OF MARRIAGE

YOU ARE NOTIFIED that an action has been filed against you and that you are required to serve a copy of your written defenses, if any, to it on {name of Petitioner}_____, whose address is _____ on or before {*date*} , and file the original with the clerk of this Court at {*clerk's address*}

before service on Petitioner or immediately thereafter. If you fail to do so, a default may be entered against you for the relief demanded in the petition.

Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents upon request.

You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Notice of Current Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed to the address on record at the clerk's office.

WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.

| Dated: | • |
|--------|---|
| | |

CLERK OF THE CIRCUIT COURT

By: _____ Deputy Clerk

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [fill in all blanks] I, {full legal name and trade name of nonlawyer} _____,

a nonlawyer, located at {*street*} ______, {*phone*} ______, helped {*name*} ______, who is the petitioner, fill out this form.

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.913(b), AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

When should this form be used?

This form is to be used with **Notice of Action for Dissolution of Marriage**, \square Florida Supreme Court Approved Family Law Form 12.913(a), to obtain <u>constructive service</u> (also called service by publication) in a <u>dissolution of marriage</u> case.

This form includes a checklist of places you can look for information on the location of your spouse. While you do not have to look in all of these places, the court must believe that you have made a very serious effort to get information about your spouse's location and that you have followed up on any information you received.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should **file** the original and a **Notice of Action for Dissolution of Marriage**, \square Florida Supreme Court Approved Family Law Form 12.913(a), with the <u>clerk of the circuit</u> <u>court</u> in the county where your petition for dissolution of marriage is filed. You should keep a copy for your records.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms. For further information, see rule 12.070, Florida Family Law Rules of Procedure and rule 1.070(e) and (f), Florida Rules of Civil Procedure.

Special notes...

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, \square Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE ______ JUDICIAL CIRCUIT, IN AND FOR ______ COUNTY, FLORIDA

Case No.: Division:

Petitioner,

and

Respondent.

AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

I, *{full legal name}*_____, being sworn, certify that the following information is true:

1. I have made diligent search and inquiry to discover the name and current residence of Respondent: *Specify details of search* **Refer to checklist below and identify all actions taken (any** additional information included such as the date the action was taken and the person with whom you spoke is helpful) (attach additional sheet if necessary):

$\int \mathbf{J} = \mathbf{I} \mathbf{I} \mathbf{I}$ all that apply

- United States Post Office inquiry through Freedom of Information Act for current address or any relocations
- Last known employment of Respondent, including name and address of employer. You should also ask for any addresses to which W-2 Forms were mailed, and, if a pension or profit-sharing plan exists, then for any addresses to which any pension or plan payment is and/or has been mailed. Unions from which Respondent may have worked or that governed particular trade or craft.
- Regulatory agencies, including professional or occupational licensing.
- Names and addresses of relatives and contacts with those relatives, and inquiry as to Respondent's last known address. You are to follow up any leads of any addresses where Respondent may have moved. Relatives include, but are not limited to: parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, stepchildren.
- Information about the Respondent's possible death and, if dead, the date and location of the death. Telephone listings in the last known locations of Respondent's residence.
- Internet at http://www.switchboard.com or other Internet people finder or the library checked for me.
- Law enforcement arrest and/or criminal records in the last known residential area of Respondent.
- Highway Patrol records in the state of Respondent's last known address.
- Department of Motor Vehicle records in the state of Respondent's last known address.
- Department of Corrections records in the state of Respondent's last known address.
- Title IV-D (child support enforcement) agency records in the state of Respondent's last known address.
- Hospitals in the last known area of Respondent's residence.
- Utility companies, which include water, sewer, cable TV, and electric, in the last known area of Respondent's residence.
- Letters to the Armed Forces of the U.S. and their response as to whether or not there is any information about Respondent. (See Memorandum for Certificate of Military Service, SD Florida

| | Supreme Court Approved Family Law Tax Assessor's and Tax Collector's Of | Form 12.912(a).) fice in the area where Respondent last resided. |
|-----------------------------------|---|---|
| | | nee in the area where respondent last resided. |
| | | |
| | | |
| 2. | The age of Respondent is [$$ one only] | () known { <i>enter age</i> } or () unknown. |
| 3. [√ono | a. Respondent's current residence is unb. Respondent's current residence is in | nknown to me. a some state or country other than Florida, and Respondent's |
| | prior to the date of this affidavit, or concupon him or her, and I believe there is n bind this absent or concealed Responde I understand that I am swearing or | affirming under oath to the truthfulness of the claims |
| | - | nt for knowingly making a false statement includes fines |
| and/or | imprisonment. | nt for knowingly making a false statement includes fines |
| and/or | - | Signature of Petitioner |
| and/or | imprisonment. | Signature of Petitioner Printed Name: |
| and/or | imprisonment. | Signature of Petitioner Printed Name: |
| and/or | imprisonment. | Signature of Petitioner Printed Name: Address: City, State, Zip: |
| and/or | imprisonment. | Signature of Petitioner Printed Name: Address: City, State, Zip: Telephone Number: |
| and/or Dated: STATI | imprisonment. | Signature of Petitioner Printed Name: Address: City, State, Zip: |
| and/or Dated: STATH COUN | E OF FLORIDA | Signature of Petitioner Printed Name: Address: City, State, Zip: Telephone Number: |
| and/or Dated: STATH COUN | E OF FLORIDA | Signature of Petitioner Printed Name: Address: City, State, Zip: Telephone Number: Fax Number: |
| and/or Dated: STATH COUN | E OF FLORIDA | Signature of Petitioner Printed Name: Address: City, State, Zip: Telephone Number: Fax Number: |
| and/or Dated: STATH COUN | E OF FLORIDA | Signature of Petitioner Printed Name: Address: City, State, Zip: Telephone Number: Fax Number: |
| and/or Dated: STATH COUN | E OF FLORIDA TY OF | Signature of Petitioner Printed Name: Address: City, State, Zip: City, State, Zip: Telephone Number: Fax Number: |
| and/or Dated: STATH COUN | E OF FLORIDA TY OF | Signature of Petitioner Printed Name: Address: City, State, Zip: City, State, Zip: Telephone Number: Fax Number: Fax Number: by NOTARY PUBLIC or DEPUTY CLERK [Print, type, or stamp commissioned name of notary or clerk.] |

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE

BLANKS BELOW: [🖉 fill in all blanks]

I, {full legal name and trade name of nonlawyer} ______, a nonlawyer, located at {street} ______, {city} ______, {state} ______, {phone} ______, helped {name} ______, who is the petitioner, fill out this form.

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.913(c) AFFIDAVIT OF DILIGENT SEARCH

When should this form be used?

This form is to be used with **Notice of Action**, Florida Supreme Court Approved Family Law Form 12.913(a), to obtain **constructive service** (also called service by publication) on the legal father in any action or proceeding to determine paternity which may result in termination of the legal father's parental rights.

You must disclose the last known address of the legal father. A last known address cannot be unknown. This form includes a checklist of places you must look for information on the location of the legal father. You have to look in all of these places, and the court must believe that you have made a very serious effort to get information about the person's location and that you have followed up on any information you received.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or **deputy clerk**. You should **file** the original and a **Notice of Action** Florida Supreme Court Approved Family Law Form 12.913(a), with the **clerk of the circuit court** in the county where your petition for dissolution of marriage is filed. You should keep a copy for your records.

Where can I look for more information?

Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms. For further information, see rule 12.070, Florida Family Law Rules of Procedure, rule 1.070(e) and (f), Florida Rules of Civil Procedure, and section 409.257, Florida Statutes.

Special notes...

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE _____JUDICIAL CIRCUIT, IN AND FOR

COUNTY, FLORIDA

Case No.: Division:

Petitioner.

and

Respondent.

AFFIDAVIT OF DILIGENT SEARCH

_____, being sworn, certify that the I, {full legal name} following information is true:

| The last known address o | of the child(ren)'s legal father | {name} | |
|--|-------------------------------------|--------|-----|
| as of { <i>date</i> } | , was: | | |
| Address | City | State | Zip |
| Telephone No. | Fax No. | | |
| | | | |
| His last known employm Name of Employer | ent, as of { <i>date</i> }, | was: | |
| 1 5 | ent, as of { <i>date</i> }, City | was: | Zip |

- 2. The legal father is over the age of 18.
- 3. The legal father's current residence is not known and cannot be determined, although I have made a diligent search and inquiry to locate him through the following:

You must search ALL of the following sources of information and state the results. United States Post Office inquiry through the Freedom of Information Act for the person's current address or any previous address.

Result of search:

Last known employment of the other parent, including name and address of employer. Result of search:

Regulatory agencies, including professional or occupational licensing, in the area where the other parent last resided. Result of search:

Names and addresses of relatives to the extent such can be reasonably obtained from the petitioner or other sources, contacts with those relatives and inquiry as to the other parent's last known address. You are to follow up any leads of any addresses where the other parent may have moved. Result of search:

Florida Family Law Rules of Procedure Form 12.913(c), Affidavit of Diligent Search (07/07)

| Information about the other parent's possible death and, if dead, the date and |
|--|
| location. Result of search: |
| Telephone listings in the area where the other parent last resided. |
| Result of search: |
| Law enforcement agencies in the area where the other parent last resided. |
| Result of search: |
| Highway Patrol records in the state where the other parent last resided. |
| Result of search: |
| Department of Corrections records in the state where the other parent last resided. |
| Result of search: |
| Hospitals in the last known area of the other parent's residence. |
| Result of search: |
| Records of utility companies, which include water, sewer, cable TV, and electric in |
| the last known area of the other parent's residence. |
| Result of search: |
| Records of the Armed Forces of the U.S. and their response as to whether or not |
| there is any information about the other parent. (See Florida Supreme Court |
| Approved Family Law Form 12.912(a), Memorandum for Certificate of Military |
| Service.) |
| Result of search: |
| Records of the tax assessor's and tax collector's office in the area where the other |
| parent last resided. Result of search: |
| Search of one Internet databank locator service. |
| Result of search: |
| Title IV-D (child support enforcement) agency records in the state of the other |
| parent's last known address. Result of search: |

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

| Datad | |
|-------|---|
| Dated | - |
| | |

| Signature of Petitioner |
|-------------------------|
| Printed Name: |
| Address: |
| City, State, Zip: |
| Telephone Number: |
| Fax Number: |

STATE OF FLORIDA COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

Florida Family Law Rules of Procedure Form 12.913(c), Affidavit of Diligent Search (07/07)

[Print, type, or stamp commissioned name of notary or deputy clerk.]

____ Personally known

Produced identification

Type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN

THE BLANKS BELOW: [fill in all blanks]

I, {full legal name and trade name of nonlawyer}

| a nonlawyer, loc | cated at { <i>street</i> } | , {city} | , |
|------------------|----------------------------|-----------------|---|
| {state} | , {phone} | , helped {name} | , |
| | C11+ 41 C | | |

who is the petitioner, fill out this form.